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ABSTRACT

During its convention year of 1977-78, the National Congress of American Indians held an annual convention in Dallas in September, 1977, an executive council meeting in Washington in January, 1978, a special conference on federal recognition and the impact of the Oliphant decision in Nashville, Tennessee in March, 1978, and a mid-year conference in Spokane, Washington in June, 1978. At the Dallas convention sixty-six resolutions were passed in such areas as reservation development, legislation, education, housing, sovereignty, health, and welfare. The January executive council meeting featured resolutions supporting individual tribes in such efforts as distribution of federal funds, land acquisition, educational and health facilities, housing, and disaster assistance. The Native American Economic Stimulus Program was hailed as innovative, creative, and the most promising new program in recent years to further the Indian Self-Determination and Education Act of 1973. The March meeting yielded a Declaration of Principles on Tribal Recognition by the U.S. Government. Resolutions adopted in Spokane included ones on religious freedom, water rights, and public works projects. The official resolutions as well as excerpts from key convention speeches are included in the report. (DS)

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NATIONAL CONGRESS OF AMERICAN INDIANS

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for

CONVENTION YEAR

1977 - 1978

RC 010786

THE NATIONAL CONGRESS OF AMERICAN INDIANS RESOLUTIONS FOR 1977-78

These are all the official resolutions of the NCAI from the 34th Annual Convention held in Dallas, Texas in September of 1977 through the Mid-year Conference held in Spokane, Washington in June of 1978.

We wish to give our special thanks to the Oklahoma Tribes, the United Southeastern Tribes, the Affiliated Tribes of Northwest Indians and their staffs who hosted the Annual Convention, the Conference on Federal Recognition, and the Mid-year Conference, respectively.

For your convenience the resolutions of the four meetings held are color coded in the following order:

1) White paper - 34th Annual Convention, September 1977, Dallas, Texas. Excerts of key speeches included.
2) Blue paper - Executive Council Meeting - January, 1978, Washington, D. C.
3) Yellow paper - Special Conference on Federal Recognition and the Impact of the Oliphant Decision- Nashville, Tennessee, March 1978.
4) Pink paper - Mid-year Conference, Spokane, Washington June 1978.

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34th Annual Convention of the
NATIONAL CONGRESS OF AMERICAN INDIANS

FIRST GENERAL ASSEMBLY
Monday, September 19, 1977

The 34th Annual Convention of the National Congress of American Indians was called to order by President Mel Tonasket at 10:00 a.m.

President Tonasket introduced the Kiowa Black Leggings Warrior Society to sing a flag song and present the American flag.

President Tonasket introduced Mr. Taft Hainta, Kiowa Tribe, to give the invocation, which Mr. Hainta presented in the Kiowa language.

President Tonasket introduced Miss Nellie Lopez, Miss NCAI-1977, to present memorials to Indian leaders and NCAI members who have passed away over the past year: Mr. Leroy Blankenship, Cherokee, Jerrot Blythe, Cherokee, Mr. Robert Doka, Tribe, Mr. Harry Guy, Caddo, Mrs. Helen Haynes, Mashpee Wampanoag, Mr. Mark Jacobs, Tlingit, Mr. Dan McDonald, Blackfeet, Mr. Sterling Mahone, Hualapai, Mr. John Mitchell, Prairie Band Potawatomi, Miss Irene Moore, Oneida Tribe of Wisconsin, Mr. Jerry Nelson, Tlingit, Mr. William Paul, Sr., Tlingit, Chief Joseph Pyrite, Tunica Biloxi, Mr. Alex Roy, Red Cliff Chippewa, Mr. Wendell Shoulderblade, Northern Cheyenne, Hon. Henry Upchego, Uintah Ouray Ute Tribe, Mr. Louis Allen, Mashpee Wampanoag, Mr. Francis Wyasket, Uintah Ouray Ute Tribe, Mr. George Friedlander, Colville, Mr. Frank Starr, Lglala Sioux, Mrs. Inez Miller, Friend of NCAI, Mr. Richard Duarte, Hawaiian Native Leader, Mr. George Helms, Hawaiian Leader.

President Tonasket introduced Mrs. Juanita Ahtone, Anadarko Area Vice-President and Chairman of the NCAI Convention Committee.

MRS. AHTONE: Chairman Tonasket, Mr. DeLaCruz, Mr. Starblanket, members of the Executive Committee, members of NCAI, guests, I welcome you, on behalf of the Oklahoma Tribes, to the 34th Annual Convention of the National Congress of American Indians. The Dallas Indian community has had a great part in planning this convention. It is our honor to host this convention, and it is our objective to make this the biggest and the best convention in the proud 34-year history of the NCAI.

NCAI was incorporated in 1944, in Denver, Colorado, under Charter of the state of Oklahoma. For the first decade of NCAI's history, the leadership came from the State of Oklahoma, and during that time both the president and executive director were from the State of Oklahoma. The growing cooperation among our national Indian organizations over the past year, particularly between NCAI and the National Tribal Chairmen's Association, gives us great joy and hope, that our convention committee selected the theme, "Today's Challenge, Unity Through Leadership." Our convention staff and committee, most of whom are volunteers, have worked very hard to make this an efficient, meaningful and enjoyable convention. They will be on hand throughout the convention to serve you and I would appreciate you giving them a pat on the back and telling them that you appreciate the work, the time and the effort that they have put in to make this convention one of the best in NCAI's history. I especially want to thank uy own tribe, the Kiowa Tribe, who came and supported me.

President Tonasket introduced Chief Emmett Battise, Second Chief of the Alabama-Coushatta Tribe of Texas.

CHIEF BATTISE: I'm Emmett Battise, the second chief and also the superintendent of the Alabama-Coushatta Indian Reservation. And you might wonder where our reservation might be located in Texas. If you go South, on Highway 45 out of Dallas, about 180 miles you come to the town of Huntsville, turn left, about 56 miles on 190 and you will get to our reservation. So I hope that some of you, while you are here on this convention, will come and visit our reservation as well.

As I'm standing here I see a fellow-member tribe walking down the aisle, right in front of me to my left. That's another Battise, Arnold, who works here in a legal office in Dallas. And we also have the executive director of the Texas Indian Commission with us this morning and I would like to introduce him: Walter Bromer.

To the NCAI president and the committee members and to all you members of the NCAI, and the quests that are here, (breaks into Indian language) in other words, I'm certainly happy that the committee members of your big organization have decided on our State, in the City of Dallas, to hold the NCAI meeting and we are so hopeful that some of you could come to our reservation. So, welcome to the State of Texas, and to the City of Dallas, and I hope your stay will be pleasant and profitable. And I am certainly happy that I could be a part of this big organization. Thank you very much.

President Tonasket introduced President Joe DeLaCruz, President of the National Tribal Chairmen's Association.

PRESIDENT DELACRUZ: Thank you, Mel. On behalf of the Quinault Nation, and as President of the National Tribal Chairmen's Association, it is indeed a great honor to be a delegate from my tribe to this convention. My tribe has probably been a member of this organization more years than I have been. As I look through the agenda of the National Congress of American Indians, and my years of involvement in Indian affairs, many things cross through my mind. As I read and I look at the theme of this Convention, I see that the issues and problems that we're facing today are probably more critical than anytime in the history of the Indian peoples' relationship with state governments, the national government, and other peoples.

The National Congress of American Indians, throughtout the years, has been able to gather in its conventions upward to 3,000 Indian leaders. Indian leaders that come to the convention representing themselves, representing their tribes, or representing other Indian organizations. One thing, for sure, that I'm hoping that will develop in the next year, because of the varied interest groups and tribes that we represent, and we all recognize, it's been stated many times that we have different views, is that through conventions and meetings we can work our differences out, and determine what our long range goals are for survival of our Indian peoples, and what our short range goals are. And that we will not allow ourselves to manipulate one another, once those goals are set. If we're not able to set our long range goals and short range goals, we can't see what's happening to us through the various programs of the federal government.

I see a paper that has a lot of articles on backlash. As I have traveled throughout the country in the last couple of months, I find that we have probably more friends than we realize, that most of those friends are not going to come to us, we have to, together, go and seek them out. And through what the theme of this convention is. "Challenge, Unity Through Leadership," there's 3,000 who will be at this convention, that through the leadership of the people who are at this convention, will develop what we're all talking about and the ultimate goal of Indian people and the tribes of the United States.

And with that, I'm very happy to be here, as a part of this convention and also very happy to be here as the President of the National Tribal Chairmen's Association, Hoping that together we can reach that goal that we speak of, sovereignty, the rights of our people to govern ourself, govern our lands, govern our resources, and take care of our own. With that I thank you. And I hope that through this convention that you'll allow me to take an active role with the National Congress. Thank you.

President Tonasket introduced the Honorable Robert Folsom, Mayor of the City of Dallas, who gave a brief welcome address and presented Keys to the City to President Tonasket, President DeLaCruz, Vice President Ahtone, Director Trimble, and Honorary Dallas Citizenship certificates to the Executive Committee.

President Tonasket introduced the Honorable David Gardner, Chief of the Choctaw Nation of Oklahoma, to give the Keynote Address:

PRESIDENT TONASKET: At this time, it is my honor and pleasure to introduce the Chief of the Choctaw Nation of Oklahoma to give the keynote address. Chief David Gardner was born on the Choctaw Nation in Oklahoma. The Convention Committee selected Chief Gardner for his outstanding leadership and for his personal courage. What else needs to be said about him. Ladies and gentlemen, a friend of all of us, Chief David Gardner.

(STANDING OVATION)

CHIEF GARDNER: Thank you so much. They say behind every successful man there is a woman, well there's a woman here. But should anytime this morning my voice break down, my wife has been asked to come up and take over. I'm having a little bout with laryngitis and the doctors have told me to kind of take it easy and so when it gets to straining and cracking, we'll always have somebody who can talk louder than me and you, that's my wife.

The theme of this 34th Congress is, "Today's Challenge, Unith Through Leadership." How appropriate. Leadership is always essential, and present circumstances make unity a basic requirement for any progress. Unity is needed not only for the purpose of brotherhood, but also for the purpose of survival. If we're to survive as tribes or as recognized, responsible people called Indians, we must unite our common cause for the survival of our race.

At this Congress we will deal with the issues, such subjects as the white backlash, Indian policy in the Carter Administration, water rights, land rights, the right of sovereignty, health and social welfare, natural resources, housing, education, legislation, and many other topics of concern to us all. What we do and what we say at the National Congress will definitely influence and significantly determine the style of future generations of American Indians. The burden of responsibility is on our shoulders to develop the policies, plans and strategies to influence our future. For as you and I who are here, assembled today, who have been delegated the responsibility for those who at home are too old, or too sick, too poor to be here to speak for themselves, let us proceed with caution.

Let us think about the consequences before expressing our opinion. But more important, let us accept the responsibility conscientiously and sincerely. We're now living in a very different world. A world of hope instead of despair. A world of educational opportunity instead of educational oppression. A world where adequate housing is a possibility. And a world where adequate health services are progressing toward a reality.

Never before in history have we approached this level of potential and possibility. This potential has its foundation in the achievements of recent years. The achievements include recent legislation, which provides for excellent launching pads for Indian people. The Indian Self-determination and Education Assistance Act, Public Law 93-638. The Indian Health Care Improvement Act, Public Law 94-437. The Amendment to the Federal Property Administrative Service Act, Public Law 94-519, providing for participation by Indian tribes in obtaining federal surplus property. The By-Indian Act, the Indian Preference Law, and many more. Legislation is merely a vehicle where we can accomplish many of our needs and desires as a people.

To repeat a common phrase, these achievements are merely the tip of the iceberg. The ultimate responsibility for leadership lies within our purview and we must now exert that leadership toward unity and collective progress. We must now think in terms of regions instead of tribal boundaries of coalitions instead of districts and corporations instead of individual companies.

Leadership within this context is already emerging. The Council of Energy Resources of Tribes, CERT, headed by Navajo Tribal Chairman, Peter McDonald, consists of 22 tribes from Arizona, New Mexico, Wyoming, Montana, and Oklahoma; an excellent example of unity that can be accomplished with firm, positive leadership.

Coal and oil companies are beginning to realize that they no longer can intimidate Indian tribes into signing blanket agreements. No longer are Indians willing to give away their rights to their resources. Tribal governments are terminating land leases to non-Indians and are assuming the responsibility for their own land use and development. Collectively, members of CERT control 55% of the nation's uranium, and 30% of its domestic coal. These reserves, along with other resources such as iron, timber, water resources, are out leverages. They are our bargaining powers. We must tread carefully, read cautiously the bottom lines and the fine print on all negotiation agreements.

We must lift our heads and look to the future and be prepared to adjust to the day when this country will not be dependent upon fossil fuel as a source of energy. We must protect our rights-the rights of our children for future generations and the rights of the elderly. We must use wisely, be treated fairly in all negotiations of these resources. Above all, we must remember that, while natural resources are a bargaining power, human resources are out most valuable asset.

We must ask for and get a fair share from our proceeds. In addition, we must keep our lands unspoiled by the ploys to remove the resources. Water has become a very precious item, and more and more we can expect conflicts for its use. We must guard jealously any infringement upon our water rights, whether it be for building dams, power plants, irrigation canals, deep wells, or for whatever purpose.

Unfortunately, our achievements have reverberated across this land and struck fear, confusion and misunderstanding in the hearts of the non-Indian public. These achievements have caused what is known in Indian country as "backlash." The backlash is very real and anti-Indian forces grow larger each day. However, this is today's challenge. And through unified leadership, can be overcome.

We must be ever cognizant of the pressure from our adversaries, who would like to see the appeal or the reversal of the Treaties, laws or court decisions which have been favorable to Indians. They, the Interstate Congress for Equal Rights and Responsibilities, are lobbying now in Washington, D.C. Unless we can unite to stop their progress, they will prove particularly dangerous in their attempts to stop favorable Indian legislation. The best defense is a good offense. Fortunately we have a plan for action for American Indians and Alaska Native Affairs, which was prepared by the Native American Rights Fund and American Indian Law Center.

The Executive Council of NCAI adopted the plan in January, 1977. This plan, the issues, are, number one: Coordination and programing of federal domestic assisting activities at the national level. Two, coordination and joint effects on the part of federal agencies to deliver services to American Indians and Alaskan Native communities. Three, the development of data and information based on federal Indian assistance program. And, four, the inclusion of Native American input into the decision-making process.

These plans, however, are only limited of use, if we at this Conference do not devise the techniques and strategies for getting them accepted by the Administration and the Congress. We must have an Indian policy that would be more than written promises. We must have an Indian policy that will be enforced, with the responsible people employed to insure implementation of the president's plan for our self-determination.

The Under Secretary of Interior, James A. Joseph, has informed us that Indian affairs is now a major priority within the Department of the Interior. In his address to the National Tribal Chairmen's Association in Atlanta, Mr. Joseph described five areas of concern to Indian people which he feels that much progress is being made. These areas are: Number one, internal changes within the Department of Interior, in which assistance to tribes and Indian individuals will be more readily available. Number two, the commitment to Indian self-determination. Three, the approach to the economic development on Indian reservations and Indian communities. Four, the protection of Indian rights and, Five, the development of an Indian policy.

This is encouraging and we assembled here hope that these objectives will be accomplished. We would like to see the fruits of this endeavor within the present term of this Administration. We need and deserve a hard working team capable and willing to deal with the complex problem that we, Indian people, face on a daily basis.

We ask for no miracles. We ask for no impossible accomplishments. We do not ask for people who are sympathetic to our causes only. We ask for Indian advocates--Indian people, dedicated, willing to work hard, willing to sacrifice, willing to speak up, loud and clear, for our causes. This kind of teamwork for us, and with this is not preferential treatment but a fair chance.

Indians are becoming more assertive. Better informed, better educated, better trained, more self-confident, better qualified, more articulate, and with the guts to use these assets. We have today in medical schools or recently graduated from medical schools, more Indians in all history combined. We have, today, at law school or recently graduated from law school, more Indians than all history combined. We have more architects, more nurses, more occupations, more in the field of science and art, you name it, we're a people on the move.

We're a people ready to assume our position in this great land of ours. It is no surprise for those of us who can realize the depth and scope of influence that we Indians could collectively impose on our future, anything that anti-Indian groups are beginning to emerge. However, working together we can withstand individually we cannot.

If you leave this Congress with only one remembrance, let that thought be the overwhelming desire to remain a sovereign, viable functioning, self-governing, tribal groups. Let us Indians resolve unity to advocate support, work toward, enhance, dignify, promote, and utilize any other force available to inform the Administration, Congress and American people of our common cause.

We deserve the right to survive. We deserve to live as Indian people. In order to do this and in the face of our adversaries, we must be united as a team. A team so formidable that none will dare to try to separate us.

Let this 34th National Congress of American Indians write a chapter in history books of the future. Let it be written that the National Congress of American Indians, held in Dallas Texas, from September 19 through 23rd, marked the turning point of Indian progress. That a new era was born. Let it be said that it was here, at this place, that the Indian people became a viable, identifiable, visible, influential, assertive people, full of confidence, dignity, and honor, and the people that others strive to emulate. Thank you very much.

(APPLAUSE)

President Tonasket introduced the Honorable Noel Starblanket, President of the National Indian Brotherhood of Canada.

PRESIDENT STARBLANKET: Thank you Mr. President. Allow me to tell you how very pleased and honored I am to come here to speak to you for these few short moments and, as well, later on in the week. First of all, I should like to bring you the greetings of the Indian people of Canada, of whom the National Indian Brotherhood is representative. The National Indian Brotherhood is the political representative of all Indian issues and all Indian people's concerns in the country of Canada.

Some of our concerns are those concerns about which you will be speaking at your conference. And I will be pleased to report to you on how we propose to deal with those very same problems that are confronting American Indian people. I'd like to thank the President and Executive Director and your Executive Council and Committee for inviting me down here, I'd like to tell you also that we have brought along some information with us that we'd like to share with the Indian people of the United States. And two members of my staff will be passing them out, following my speech to you on Wednesday.

I'd like to say how very pleased I am that at least the Mayor of this City has chosen to give those people who have receive keys and honorary citizenships to the City of Dallas that he has given you, exemption from taxation in this City at least. I'd like to suggest, perhaps, that he be made president of the United States so that Indians can be all tax exempt in this country.

That's one of the issues that we're fighting in Canada. That is, the Indian original right to be exempt from all forms of taxation, and I believe it is your political representation that is making that kind of effort for you in Washington. So, without giving away all of what I will be speaking to you on later on during the week, I just thank you again for inviting me. It's a real pleasure to be here, and there will be other colleagues of mine from Canada who are very interested in your conference and will also be here to share some of their experiences with you in the different committee rooms. Thank you, again, honorable president, for inviting me.

President Tonasket introduced Mr. Charles Trimble, Executive Director of NCAI, to review the agenda for adoption by the Convention.

President Tonasket recessed the First General Assembly at 11:45 a.m.

SECOND GENERAL ASSEMBLY
Monday, September 19, 1977

The Second General Assembly of the 34th Annual Convention of the National Congress of American Indians was called to order by President Tonasket at 1:30 p.m.

President Tonasket turned over the official Chairmanship to First Vice-President Veronica Murdock.

Chairman Murdock introduced President Tonasket to give the Presidential Address to the 34th Annual Convention.

PRESIDENT TONASKET: It's difficult for me to five an address, because I suppose most of you have heard me talk probably at least a dozen times, and it seems like I'm always saying about the same thing. I'm always talking about the same concerns and challenging us to do something. But for the sake of some of you who might not have been with our organization before, or heard me speak, I'm going to do a little bit of a repeat on the things that I've said throughout the four years that I've been President of the National Congress of American Indians. Because basically the problems are still here. The issues are still alive. And we're still fighting the same battles that we were fighting when I first got with the National Congress of American Indians, seven or eight years ago. And those issues were touched on by Chief Gardner in his address to this convention. And I'd like to go in a little bit further about some of the issues that he has raised. One of the words that is most used in Indian country today is the word "backlash." And that's something that we all are seeing newspapers, no matter which part of the country we're from, whether it be Alaska or Florida, Maine or California. You see it in newspapers, you hear it on television and on the radio, and I tell you that that is not a word that we should be afraid of.

I tell you that that's a word that should spark us to more action, rather than fear. That should make us get up and go and try harder rather than to back down and be quiet and "good little Indians."

Just look around and see the things that we've been doing. It was action that brought about the Boldt decision and the fishing rights issue up in the Northwest. It was action that brough around the recognition of the Passamaquoddies and the Penobscots. Everytime there's been something that has been good for Indians, it's been because a tribe or a group of tribes has been brave enough and dared to take some action.

And that's what we have to do through this convention. I mean we could spend all week talking and talking and talking. And probably we're going to go through almost 100 resolutions before the convention is done, I hope not, but probably we will. And then what do we do? Where do we go from there? It's action and a commitment that we have to make, to carry out the major policies that we're going to adopt at this convention. And I think they're going to have to be some tough ones. Very, very difficult, considering the attitude of the new Administration, considering the lack of policy or official position of the Administration as to Indian affairs. Looking at the actions of the Administration, it shows that they don't know anything about Indians. It shows that they don't know anything about Indian law, the special rights and privileges that we've got that have been upheld through the Supreme Court since the turn of the century.

There was an all-out attempt to try to get Indian water rights into the Federal Register to be recognized as federal water rights. We got that stricken. They admitted that Indian water rights are separate from federal water rights. But yet they still included us in a very bad situation, saying that the Secretary of Interior can control and regulate all of the waters on an Indian reservation. And in their minds, that's carrying out their trust responsibility.

That's how they're going to protect, they're going to regulate, they're going to control, and they'll give your water away. That's what's happening today. Put that hand-in-hand with the situation on Capitol Hill, where that ridiculous bill came out last week to abrogate all Treaties. It shows the mentality of the people that're in the House. I'm getting to think that it's a loony house within the House of Representatives. It's unbelievable that in this country there are still people who think that all they have to do is, by a stroke of a pen, abrogate all treaties. Buy us out, lock, stock and barrel. It would cost the federal government billions of dollars to do such a thing. And it's probably against the Constitution of the United States, and yet there're people in the Congress that're willing to try.

And what're we going to do? Are we going to just walk around, and say, "Yeah, there's backlash. Yep, they're going to try to abrogate our treaties." Or are we going to do something? Are we going to do something?

I've spent a lot of time travelling this country in the last four years. I don't know how many hundreds of thousands of miles I've travelled. And the four years that I've been president of this organization, my tribe has foot the bill, financially supported me as president, because all of you probably know that the president of this organization isn't a paid position. Approximately 90,000 dollars they have spent on my travelling throughout this country. $90,000!

Let me tell you what I've found. I found tribes that talk about sovereignty and about being nations, and yet they have no water codes. They have no tax ordinances. They have no zoning ordinances. Their constitutions are written so that the Secretary of the Interior has the total say as to whether they adopt somebody or enroll somebody, or whether they pass certain kinds of legislation within their councils or whatever.

That's not being sovereign. Maybe that's some of the things that we've got to do, huh? Maybe we've got to strengthen up our home front. Maybe we really have to consider getting into the tax business. Maybe we got to consider land use planning and zoning on our reservations. I just hope we do because when we go into court, trying to stop some outsider from putting in a garbage dump on a reservation, or trying to stop what other sort of bad activity from happening on the reservations, we don't have anything to replace it. It's very difficult to fight a water rights case, saying that we control the water, that's our right, and then the judge turns around and says, "Okay, what if we agree with you. Let me see your ordinance. Let me see your permits. Let me see what your due process is. Let me see what your appeal process is." And we don't have it. How many of us have a water code?

We gripe and we complain about how all of the tax dollars are being ripped off throughout the country. About all the non-Indian businesses on our reservations and yet the dollars are going out someplace. And there's not a thing in the world to stop us from implementing our own-taxes. Business and occupation tax, land transaction taxes, there's nothing to stop us from that if we're brave enough and willing to fight.

But do we? Only you know. But from my travels and experiences, I haven't seen very many tribes that have done that. And it astounds me how we can act so tough, and act so strong, and act so sovereign, and not have those basic things that governments need and governments use to carry things out. There's no doubt in my mind that if we would really take control of our our governments on the reservations, by that I mean by regulating the land use, the taxes, building, codes, whatever -- in a few years, maybe 10 years, we wouldn't have to be going back to Washington every year-- to the appropriations committee and begging for money.

Even a lot of the tribes who I thought were in such bad shape, and so isolated, and for whom there would be no possible way to be financially able, or to develop themselves financially so they wouldn't be totally dependent on the Great White Father's handouts -- there's always something there. There's almost always something there. If white people can make a living, if white people can make a profit, living in the same areas, why can't Indians?

Maybe the reason is because there's not that seed money to get started with. Which is a good reason. But you have to have the plans, you have to develop the mechanics within yourselves so that you have something to work with, so that you can bet the funding to do it. Maybe some of the actions that we have to take is not only talk about unity, but to live unity. For tribes to help tribes.

There's no doubt that when you look across Indian country a number of tribes have different expertise in certain areas. If they don't have it within their own ranks, they go out and they hire it, whether it be legal counsel specializing in certain field, whether it be biologists in certain fish biology or gam biology, or planners; they're there someplace. And maybe we could share those resources, those human resources and the technical assistance. We've got to do something.

I think that it's very evident that the well is going dry back in Washington, D.C. And as long as that word is floating around Washington, that backlash word, funds are going to dry up more. Things are going to be tighter. And what're we doing at home? How are we preparing at home? Where are our priorities? Are we getting so that we're allowing inner fights to take priority to what should be? Are we fighting within our own ranks, within our own Councils? Are we waiting for somebody to leave the office or go on a trip so that we can do him in while he's gone? Are we looking at other tribes with that same sort of feeling? I don't know. Only you know.

And, if we have that within our ranks, if we have that sort of a problem that has taken priority on our time as -- as leaders of our people, then I think that we're wrong. While we're fighting with each other, the feds are winning. While we're fighting with one another, the states are winning. While we're fighting with one another, the non-Indian neighbors are winning.

You see there's many, many things that we can be considering. Many things! When we talk about education, let's talk about controlling it at home. When we talk about housing, let's talk about our own building codes. When we talk about health, we don't have to beg public health service. No matter which topic you talk about, there's things that you can do at home.

But maybe our priorites aren't there. May it's more fun to travel around to the conventions and conferences and talk about it and socialize and have a good time. Again, only you know.

So the challenges are unending. And only your conscience and your heart can tell you which way is right, and which way is wrong, and whether I've hit on the -- some of the things that we are guilty of, and I include myself. But I think that we have to be honest, and we have to be open, and if we have the problem, let's deal with it. We don't have a whole lot of time to dilly-dally around, and have fun. This is a war. It's like a Cold War. And I think, and I might be paranoid, but I think it's a lot more serious than I've just explained to you. I think that there're some funny activities going on in this country that are causing Indian people to fight each other. For tribes to fight each other and I ask why?

Let me give you an example. A few years ago, there was organized a World Council of Indigenous People. The National Congress of American Indians and the National Indian Brotherhood of Canada went together and got a Non-Governmental Orginization seat in the United Nations, three years ago. The first time ever, a seat in the UN, where we have an opportunity to go talk, have an opportunity to go past the system here in the United States. And that seat was expanded to include Indians from South America, Central America, the Aborigines,of New Zeland, and Australia the Laplanders from Sweden, Norway and Denmark. All are aboriginal people, but are minorities in their own country. with no control of their destiny unless they do something. They're losing their land and their ways of life, their languages and their religions. Okay?

Very, very important position, I think, to be in the United Nations. There was a second meeting held in Sweden, in August. We couldn't raise money, in the United States, to send our delegation. We went to the Foundations, no money. We went to the places where there was usually money for something like that, no money. I wonder why? Tribal leaders, elected tribal leaders couldn't get the money to go to something like that.

It's almost on the verge on being a situation like the Indians are in in South America, where they have to sneak out of the country and hope to God that their governments don't know, because if they are found out their families might be killed. Or they might wind up in a concentration camp. And I swear to God that's what's happening.

The other thing, and this is what makes me think that there's some hanky-panky going on, and infiltration going on. The International Treaty Council got money to go to Geneva. Why one and not the other? There's a good reason, if it would be worked on, for one organization to fight the other organization, if we allow that to happen. Jealousy over damned money! That's one example where they worked on against the other. It might not seem significant to you, but it does to me. Cause you put all of those little sort of things together and there's trouble all over the country.

In the Northwest with the fishing tribes, the Boldt decision, has authorized or has recognized the treaty rights of the Indians up there, the fishing people, th take 50% of the catch, and it should be a boon to those Indians up there. Because they were taking what? Less than one percent? Less than one per cent, and now the federal court recognizes their right to take 50% of the fish. And for some reason they're fighting. Who's causing the fight? Why? And all that has to happen is that the Indians continue to fight and the sports fisherman is going to win. The states are going to win, somebody's going to win, but not Indians.

Now if they see that the damned Indians can't take care of themselves, -- now I know that there's pro and con feelings about what happened to Peter MacDonald and the Navajo Nation. But if you look at it more closely, it's scarey. It's very scarey. The things that happened to Pete could also happen to me or to you. You know, Pete told us in the Northwest Affiliated. He came up there. We asked him to come up and tell us what was going on. He told us of the 126 audits that were called on him in one year. They couldn't find anything. And yet the day before the U.S. attorney was out of office, he filed all of these charges against Pete and then he was gone. Harrassment? Or what? I don't know.

Who are the actors? Where are they coming from? Who's paying them? And who's winning these battles? I mean, look around the country and see where Indians are fighting Indians. See who's influencing those fights, or who's of egging them on, or who's doing some manipulation. I think that we have to be very, very careful. Because we have an opportunity to be very, very important. To be a very important power in this United States because of our natural and energy resources. And you look at how the United States government uses their power, their influence and their tactics in other underdeveloped countries, like South American countries, where big corporate interests are down there, almost controlling what goes on.

For example -- a lumber company from the United States, big corporation, goes down there, needs some timber, needs a forest, and here those Indians are down there. They work up ways to get those Indians killed. Total villages wiped out and the children sold. That's happening today, ladies and gentlmen. Today. Caused by American dollars. Having Indians completely wiped out, thousands of them. And if you don't think that that tree isn't just as important up here in the United States, it definitely is.

Energy resources, even more critical. You tribes with energy resources, you scare the hell out of the United States government because you have power that they really, really need, and there ain't a whole lot that they won't do to get that. Ain't with a capital A.

You see what I'm getting at? There's --- there's nothing that we shouldn't expect. By way of infiltration, by way of intimidation, by way of being bought off. Be careful. And it's always been my feelings that if we proceed, and we go ahead, and we're tough, we're going to win.

Now I'm telling you these sort of things, hopefully, so you'll start to question what's going on around you you. Not to make you afraid to do anything. I want to keep repeating that. But to get you to make a commitment to do something about it.

By all rights, and by all the plans that have been made against Indian people, since the non-Indians landed on these shores, we should've been gone by now. Instead we're increasing our numbers. We're learning more about how to use the system. We're learning the laws. We're getting more people to school. And the march has really just begun, as far as I'm concerned.

But we have to have that commitment. You have to be committed to sit and work, when really you want to go watch a football game. Gotta be committed to put up with the sacrifices that you have to put up with, your family, little fun things, going fishing, going hunting, like everybody else can do. That's the price that you pay. And grown up enough not to let little personalities get in your road, to stop you from that end goal of helping your people. And if we don't have that, each one of us, then we'd better get out of the business. I've said that many times, I expect the same thing from myself.

I could go on about some of the other issues that're going throughout the country, that'll lend to the things that I'm talking about. Where the problems are and why. We should look and see why -- why they're there and who's causing them. And as this convention week goes on, if -- I'd be more than happy to sit down and go over some of the other -- other situations with you in more detail.

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But I wanted to give you a skim of the things that I've seen as I travelled across the country. It's been, really in a way, frustrating for me as president of this organization. And yet it's been probably one of the most fulfilling things that I could've ever done in my life. Uh, I don't know if this is going to be my going-away presidential remarks, or what's going to happen, So I'd like to tell you that I've looked around for 30 years, trying to find out where I'm going, why am I here. There must be a purpose in life besides drink and shooting pool and getting in trouble.

And you people in this organization and my tribe have helped me straighten my life out a little bit. Not as much as it should be, but I feel good, I feel good that -- that we are part of an organization that can help an old lady get some food stamps, make sure that an old couple can get a house, or that a child isn't being adopted out someplace and lost from our people. That makes me feel good.

You have given more to me than I could ever give to you. And for that, I thank you very much, and I love you all, okay?

Chairman Murdock introduced Mr. Ray Goetting, Treasurer of NCAI, to give the organization's financial report.

MR. GOETTING: Thank you Madam Chairman. Ladies and gentlement and delegates, I know that a financial statement and Treasurer's report can be very boring if I read you a lot of figures and your probably won't remember them anyway, but I would like to hit some highlights of activities that the financial operation of NCAI goes through and the audits that're prepared and the status in which we now find ourselves.

A couple of minor things in our last audit and I'd like to tell you that the calendar year basis of our operation means that our last year's audit was as of December 31, 1976. In that operation they do criticize, a bit, some of the controls we have on the collection of money. We don't get much money, but the controls are not considered adequate, but I think it's a minor element, really, because we do have an excellent staff and we have some procedures and volunteers of people which makes control a little difficult.

I'm sure each of you who operate your own tribal activities will find certain similar difficulties in the handling of money. But one of the things that the government can really criticize for all of us is when we are really careless with it. And so we need to pay attention to it and we need to have adequate systems and we need to manage our affairs in a business-like way. I want to say in respect to some of the remarks that our president just made, we can't do these things that he's asking to be done, at home or on a national level, without adequate funds. And, unfortunately, NCAI has its headaches and heartaches in regard to the raising of money. So if you really feel the need to do the things that ought to be done to protect the sovereign rights of Indian tribes, and the Indian tribes govern this organization, to the extent that you're willing to do that, then you must realize the need to finance the activities of the National offices in order to fight at the national level.

I'd like to say that. Unfortunately, the status of funds as of 1976, shows a net deficit of some $17,000.00. Certainly the total money available comes from not only dues of the tribes, but also federal programs. Contracts and grants for certain specific activities. They're restricted to those activities and we have some activities of a political nature or of a lobbying nature, so to speak, that we must engage in. And when we do, they don't like to pay the bill. So we have some conflicts there and some of our resources have been in adequate to take care of it. The fight is hard and expensive. And I'd like to say that I think the Colville reservation and the Council there has been very supportive of our president to spend the money that he just mentioned they do in order to have him devote his time, as much as he has, to the efforts of NCAI.

I'd like to say that -- that we are making progress since the last audit report that shows us in the hole, but unfortunately, that's not the case. The present deficit now, as recorded as of July 31 is $35,000.00. We'll have to make these items up in some fashion, it may mean asking people to take into considerations the contributions raising of dues and what-have-you. Whether your new officers, and I'm not saying either whether the constitutional amendment will permit Mel to continue as president. I know that from personal reasons and some personal work that I am obligated to do, I won't be able to serve as treasurer and I want to encourage you to look upon someone who might have a stronger opportunity or stronger devotion -- certainly to the extent that they can apply their time. It takes time to do it right and unfortunately, I'm not going to be able to do that.

I would like to say that for the purpose of -- of accomplishing the status that we hope to achieve, and it may result in that, we do have the clean-up committee and they will report to you what their findings have been, the status of the organization and operation and what they hope you will do about it.

I'd like to read to you, though, the activities that have been conducted in this past year and the amount that it's cost from January 1, through July 31st.

The tribal government studies have spent some $47,000.00. Membership services, services to people, $48,000.00. Water rights legal services, $25,000.00. Community development assistance, $67,000.00. Legislative, education and information, for you, $22,000.00. Criminal justice study, $4,000.00. Publications $12,000.00. CETA training program, $12,000.00. For a total of $239,800.00. That's a pretty substantial amount. Most of which, actually is federally funded, we do have management that is distributive to that. We have some fund raising it to a grand total of $240,000.00.

In the unrestricted funds, from which we can do almost anything we want, we are, as of July 31st, 1977, in a deficit position of $47,000.00. With restricted funds and the property fund that we have, a net of $31,500.00 deficit. I'd like to say that I feel that the tribes spend a lot of money to send people to these conventions, I feel like the work is important enough that we ought to either raise our dues or pay as we go, or sponsor an officer or something in order to finance the operation. Certainly the subjects that the executive direttor will cover, I hope, would impress you to do something about the financial support that the tribes give to NCAI. Thank you very much.

(APPLAUSE)

Chairman Murdock introduced Ms. Rachel Nabahe, NCAI Sacramento Area Vice-President, to give the Executive Committee Report.

MS. NABAHE: President Tonasket, Vice-President Murdock, tribal delegates and members of NCAI. To tackle the issues and the challenges that face us, as Indian tribes and Indian people, to -- we have to insure that we have the effective mechanism and organization set up to handle the issues and the problems that're confronting us. At the mini-convention held in Albuquerque, upon the recommendation of the executive director, the executive committee did establish a clean-up committee. to number one, to assist in the orderly transition for any change in leadership as a result of this convention's elections. And, number two, to make an assessment as to the state of the organization. Number three, to clean-up and to tie any loose ends, that as an executive committee we have left undone, and number four to make any recommendations to provide for a better running organization.

We did meet in Washington in July and I'd like to say as part, you know, of our initial assessment, that it was a real privilege to work with Chuck and his staff. I think those of you that know the staff will agree that we have a -- a hardworking, committed, dedicated staff and we have put upon them excessive demands -- demands on their time, demands on -- on their energies and they've been able to produce and you know, certainly we do appreciate the efforts of the entire NCAI staff.

Because of the lack of funds, we do have a shortage of staff, and they are doing overlapping kinds of responsibilities and many kinds of duties and I think as long as we're, you know, under-funded, we're always going to have to deal with this situation. We did observe that there was an absence of a clearly defined organizational structure and the absence of job descriptions. It was determined at this time that we would prepare a couple of organizational structures for recommendation to the Executive Committee which met in Lawton, Oklahoma on August 17th and the 18th. We did make a determination that we were not structured to sufficiently meet the goals of NCAI as outlined in the preamble. To secure to ourself, the Indians of the United States and the natives of Alaska, and our descendants the rights and benefits to which we are entitled under the laws of the United States, and to several states thereof, to enlighten the public toward the better understanding of the Indian people, to preserve rights under Indian treaties or agreements with the United States, tp promote the common welfare of the American Indian and to foster the continued loyalty and allegiance of American Indians to the flag of the United States.

We also found that we weren't structured to adequately meet the goals of the NCAI fund, which is established to promote education, reservation development, nd the responsibility of the executive committee to function, both as the executive committee of the Congress and as the board of the NCAI fund needed to be delineated.

A structure that was recommended, included the distinction of responsibility of the executive committee, functioning as the executive committee of the Congress and as the Board of Trustees of the NCAI fund. The NCAI fund, -- as the -- function as the board of directors for the NCAI fund -- the executive committee does have the responsibility for the contracts and grants that NCAI has, for the purposes of the fund.

We did recommend, under the organizational structure, that one, a position of an assistant director be created. The assistant director where--- would have the managerial responsibilities for NCAI, programs and report directly to the executive director of NCAI. Among the assistant director's responsibilities would be included the responsibilities for program planning, and development of programs in accordance with the goals and objectives established by the NCAI convention and the NCAI executive council.

Another responsibility would be the implementation and administration of any new programs to meet the purposes of the NCAI fund. Another responsibility would include the programmatic and budgetary compliance of all the contracts and grants of NCAI, and the submissions of necessary modifications to the funding agency on a timely basis.

To staff the proposed organizational structure and estimating the income that the Congress has, we show a shortage of approximately 42,000 dollars minimum. So to -- to staff the organization, as we feel the organization needs to be staffed, we will have to come up with an additional $42,000.00 in addition to the membership dues and the registration fees and those kinds of revenues that we have generated in the past.

One of our recommendations is that, number one, the administrative board, as outlined in Article Six, Section Four, under the Constitution and By-laws, become more active and more involved in the contractural obligations of the organization. Number two, that we need to develop adequate personnel and fiscal policies and procedures. We did recommend that the clean-up committee remain active until the executive council meeting in January at which time the draft of the fiscal policies and procedures will be submitted for the exeuctive council's approval.

We also felt very strongly that the strength of the executive committee just as the strength of the National Congress, is dependent on the strength of the individual members. We did feel that the Area-Vice Presidents need to assume more responsibility for the organization in their areas. We did develop and approve job descriptions -- position descriptions for -- a description of the minimum requirements of area vice-presidents. To include, number one --

NCAI area vice-presidents have responsibilities as members of the NCAI a -- executive committee and as members of the board of the trustees of the NCAI fund. NCAI area vice-presidents have the responsibility for being a public relations agent in the field for the advancement of NCAI's purposes and objectives.

Number three, NCAI area vice-presidents are the communication links between the NCAI headquarters and elements in the field, tribal, private or governmental, interested in NCAI goals and objectives.

Number four, area vice-presidents are also responsible for reflecting opinions, attitudes and inclination of tribes in their areas and reporting these to the NCAI central headquarters.

Number five. Area vice-president carries out assignments and responsibilities as assigned or delegated in the executive council or executive committee.

Number six, and I think probably a cruc -- a very crucial responsibility and requirement that should be placed on any person that will be running for a vice presidential position this year. Number six, fund raising should be an important responsibility of each area vice-president. The NCAI area vice-president should be responsible for raising a minimum of $3,900.00 in his or here aera. Any -- the following -- then we give a proposed breakdown for the expenditure of the $3,900.00 to allow for travel and the promotion of NCAI in the area.

Any additional area --- money raised will be expended by central headquarters, for the purposes and objectives of NCAI, as established by the executive council.

Seven, area vice-presidents are also responsible for promoting and securing membership in NCAI.

Number eight, area-vice presidents should make a commitment to attend all executive council and executive committee meetings. This assures that all areas will be constantly and consistently represented. I --

I think -- number eight is an extremely important area. Over the past two years in attending the executive committee meetings, there have been areas that haven't been represented many times. And I think, as individual members from your area, you have the basic responsibility to insure that your area's getting input and that your area is contributing to that functioning of the organization. And we would encourage you to contact your current area vice-presidents if you want to refer to the recommended requirements for area vice-presidents.

And I think anybody that may be wanting to run for the positions in the organization, also be willing to make the commitment that they will meet the minimum requirements as proposed by this year's executive committee.

We would like, again, to say that it has been a real opportunity and privilege to work with the NCAI staff, and hope that we will continue to fulfill and work harder at fulfilling our responsibility as officers and members of NCAI, to assist and support the staff in reaching the objectives of the organization, that -- thank you.

Ms. Nabahe introduced Mr. Gordon Jackson, Alaska Area Vice President, to continue the Executive Committee Report.

MR. JACKSON: Thank you very much, I might start with a brief statement that I think most of my presentation will probably just seoncd what Rachel has stated in the past several minutes. I think I'd also like to second the fact that staff at the National Congress of American Indians was very cooperative and provided us with all the information and documents necessary for our assessment. The clean-up committee assignments, which is charged by the executive committee to look into the organization in Washington, D.C.

Every agency throughout the United States and that includes our tribes and tribal organizations and regional corporations in Alaska, must look at itself, internally, every once in awhile, to insure that you have the structure, finances, and administrative policies to insure that you do indeed, have a healthy organization to continue to be responsive to the many issues of concern to American Indians and Alaskan natives.

This is exactly what the clean-up committee did with the staff in Washington, D.C. We found many things, and must urge this body not to take these as insurmountable problems, but as a symptom as, perhaps neglect on our part. As the National Congress of American Indians. I say this because we have an under-funded budget, within the National Congress office, a skeleton staff, and in my opinion has done a marvelous job, under the circumstances, keeping on top of the issues, and advocating on your behalf, during the past several years. With these words of introduction I will now move into some of the items, which basically second what Rachel said, but going into, perhaps, more detail.

The organizational structure within the National Congress is several years over -- old and is not working. It's not working, because our executive director has far too many responsibilities to complete all tasks assigned to him by this body and we underfund him and his staff. The responsibilities we assigned him, include the implementation of our National Congress of American Indians, annual convention resolutions, the implementation of the executive council and executive committee action and resolutions. Follow-up on legislation in Washington, and testifying on our behlaf and many, many others assigned to him.

On top of all this he has the responsibility for the administration for our programs and our office, requiring his time in the negotiations of contracts, planning, program development, personnel direction and many other duties and responsibilities required of an administrator. These're far too many duties and responsibilities

And if you are to use the United States as an example, you have the President of the United States and he has the Secretaries responsible for all the departments under the auspcies of the President of the United States. But we have an executive director and the executive director is not only the overseer of the staff, but he assumes administration of every single one of these grants and contracts and I think that the solution, which has bee presented as part of Rachel's presentation, which is to create, perhaps, an assistant director, with a clear delineation of duties and responsibilities, in which the assistant director would be largely responsible for the administration of all those grants and contracts, which we receive, I think that would place considerable amount of time for the executive director to look at such important issues as backlash, water rights, sovereignty and a whole number of other issues that come before this body annually.

Second, our body -- our office is funded primarily by way of indirect costs on grants and contracts, indirect funding if -- is fine, however, this ties our executive director, once again, to the administration of these grants and contracts and taking away much of his valuable time from the advocacy of issues. Personally feel we should work towards direct funding from tribes, or federal government, so that 100% of out time is spent on advocacy of policies, determining convention, the eceutive council and executive committee meetings.

This, if course, would require this body's commitment to adequately fund the office and with your payment of dues or whatever the structure is determined to be in the future. And in Alaska, we found that indirect costs on grants and contracts, which funds native associations, which are non-profit corporately assigned by the State of Alaska, that indirect cost tied a considerable amount of our native association to basically administration, whereby the sole purpose of those native associations by charter, by the by-laws and the articles of incorporation was the advocacy of issues on behalf of the Alaskan natives in the Bristol Bay, or Tlingit Oneida, or Otna region in cnetral area of the State of Alaska.

With the funding by indirect costs on grants and contracts, this tied all our executive director's -- all our president's -- all tied to the administration of those grants and contracts, which takes a considerable amount of this time, and I think this body should take a look at a different way of funding the office to adequately take into consideration the fact that the sole purposes of our office is a political arm to advocate for many of the is issues around the United States.

The third item that I wish to speak to this afternoon is the administrative policies of the National Congress of American Indians office, which has not been reviewed for years and I think it's the responsibility of this body to amend. The problem with the current policies in my opinion is that they're very general, and the interpretation of those policies within the staff is left entirely up to the executive director. And those policies are very general. And when you have general policies, it's left up to the initiative of the executive director to interpret them, so when you have your staff coming in to tell you what the poiicy is on a number of things, the executive director takes more time, to perhaps, really interpret those policies.

I think that they need to be revised with substantial input with, perhaps, the staff in Washington, D.C., cause I feel very strongly that the staff in Washington, D.C., they're the ones that have to live with them, and I think it would really help to have their substantial input.

The fourth time -- item, is that I'd like to really second the item concerning hard work and the executive vice -- I mean, ha,ha, the area vice-presidents, we have a run in executive vice-presidents in Alaska, so I use that term -- but I really would like to second the area vice-presidents job sescription, their duties and responsibilities, I think that we need to have these hard working area vice-presidents and we need to have their input, which is very valuable when it comes to -- to letting the whole United States and the office know, just exactly what's happening in Alaska. I think they need to also be very responsive in the fund raising activities of this organization.

I think that I stated in the beginning that it's a symtom and I think one of the symtoms of -- in which we've identified is the fact that one of the biggest areas we have to address is funding, I think that we place considerable amount of -- of activities on these staff, and we place them and live them almost the same kind of budget every year, and almost the same kind of reaction, when we ask for dues. I think that if we have adequate funding, we will in fact, really provide the necessary staff support to really do some advicating instead of the way we've always been doing it, which is the status quo, during the past several years.

But this basically is my report, this afternoon, and thank you.

Chairman Murdock introduced Mr. Charles Trimble. Executive Director of NCAI to give the Executive Director's Report.

MR. TRIMBLE: First of all, for the staff of the National Congress of American Indians, I'd like to welcome you and extend you best greetings and our commitment of dedication for the completion of a very good convention.

I'd also like to express my deep appreciation to the host tribe, the tribes of Oklahoma, and to the Dallas Indian community, with whom I have had the great pleasure of working and preparing for this convention. And I'd like to extend appreciation specifically to Juanita Ahtone, who has taken the responsibility for the chairmanship of this convention and really lifting the burden off the staff, by taking on so much responsibilities herself.

I'd like to talk from a Washington prespective, on what I see as a time of real challenge, when we so desperately need a national Indian organization. It seems that everything has been said about the backlash and the results of the backlash. In the Administration, I wholeheartedly endorse what our fine keynote speaker said this morning and what President Tonasket just said to you. About the seeming apathy of the Administration. About an atmosphere in the Administration where you really don't know who to talk to. You really don't know who to call into accountability on what is happening in Indian affairs. And what is planned for Indian affairs. And it seems that

Indian tribes are being caught up in a massive movement during which time we have very little input and very little to say about our own, ultimate destiny.

And this is occruring daily. We get invitations from the Administration, where they tell us please come to a meeting, and talk about the reorganization, give your Indian input, at a cosy little meeting of 4,000 people. Representing states, counties, cities, corporations, and other interests. And that is the invited input of Indian tribes. We have responded to a few of them, and found ourselves in a situation where our voice would hardly be heard, and knowing that in a group like that, certainly our concerns would be overridden by the masses of other concerns that we must compete against in those forums.

It is a bad situation, it's a situation that we really have to face, and in which we really have to put pressure on them in order to get the Administration to learn and to understand that there are Indians and that those Indians have unique rights, and unique services in the federal structure.

In the 95th Congress, it can't be overstated the terrible danger that we're facing. Of what it took, just to try to get someone to serve in the House Sub-committee on Indian Affairs and how they had to join the jurisdiction over public lands with the jurisdiction ofer Indian affairs, to even entice Congressmen to think that it was important enough to serve on that sub-committee.

And how, on even legislation that as recent as a year ago would've caused no controversy, are causing controversy now. And how in seemingly safe legislation, such as the Clean Air Act and the Safe Drinking Water Act, you find the provisions to take away jurisdiction over the enforcement of environmental procedures by the tribes.

And in the Senate, we are faced with a short lived, Select Committee on Indian Affairs, with a staff of 22, which is working like hell trying to work with us in determining the priorities, and trying to report out bills. And those bills are passed by the Senate, but they are bottlenecked in a do-nothing sub-committee in the House of Representatives which will not pass on those bills.

We must face what seems to be the imminent death of that Select Committee on Indian Affairs, which is scheduled to expire at the end of the 95th Congress. and we don't have far to go till the end of the 95th Congress. So our challenges are very, very great in Congress. To secure the establishment of full committees in both the House and the Senate, and to push our legislative priorities in the face of growing opposition to any semblance of Indian sovereignty, any semblance of self-government, jurisdiction and control by tribal governments.

And the backlash. I was able to attend one meeting of the National Association of Counties. Where the backlash forces, the Interstate Congress for Equal Rights and Responsibilities, was seeking to push through the National Association of Counties a resolution that would be anti-tribal government. And in the National Association of Counties, sanction was sought by the Interstate Congress because they have so much power and something like 700,000 members in the United States, which include almost every country in the United States, perhaps, with the exception of the State of Oklahoma.

And that's how they're working to get the Council of State Governments, and the Governor's Conference and the Mayor's Conference, and the League of Cities, to all uniformly adopt resolutions opposing tribes. We wonder what impact the Senators and Congressmen would feel with every mayor and every county commissioners and every state legislator in his district or her district calling for termination of tribal government.

The challenge is really right here with us, as to whether or not we can organize. I guess I've said this before, there're about probably 50 national and regional Indian organizations in the United States. And we would roughly estimate that those 50 organizations including the National Congress of American Indians, probably go through a budget of close to $25 million. And I think that without the necessary coordination among them, we have not seen $25 million woth of true advocacy.

I've really had a great deal of pleasure serving as the executive director of the National Congress of American Indians, telling about the early days, when a lot of youth and a lot of our older leaders got together create this organization. And how it was largely started by much of the leadership from Oklahoma.

And I heard the stories of the terrible years of termination, and the ongoing fight by our leaders in thos days, who took trains, or drove to Washington, D.C. to fight for the Indian people's rights. And I think there should be little question in anybody's mind that it was the National Congress of American Indians that stopped termination in its tracks. And I think that we sometimes forget that.

Then I've herad the stories of the years of plenty. When everybody was funded, when funding was abundant. Where projects, programs and organizations, sprung up throughout the country, and very possibly took away the emphasis from any unified effort through one major national organization. And I've see, myself, the decline of the National Congress of American Indians, and I've witnessed, myself, in my own tenure in office, the role of the Federal government to assure the decline and fall of the National Congress of American Indians, or any voice of Indian people which attempted to speak out against the government. I have seen and have heard personal threats to pull back federal funds unless we spoke the Administration line.

But I've also seen a reaffirmation of faith and loyalty by many leaders in the organization, based around a relatively small core of people who had never lost the faith: who, year after year, came back to the organization, and who felt of the organization that it was theirs and if it wasn't serving their purpose, they can darn sure change it. Including any officer or any worker in the organization. And I believe that we're witnessing the rise of the organization, perhaps, back to what it was and, hopefully, something even better.

I think we have gained an awful lot in stature, in credibility, in unified strength. We are seeing, at this convention, the appearance of 19 Northern Pueblos who are sitting here in the front of the audience today. And it's the first time in our history that we have the membership of all 19 Pueblos, and it's a glorious day in our history. I understand that the people from Minnesota, the Minnesota Chippewas are coming back, and I believe it's a great day when a person like Roger Jourdaine will bring his tribe back into the organization and will participate, fully, in the organization as he has agreed to do.

And I think we're seeing the growing strength of the Alaskan Natives who, due greatly to the efforts of Gordon Jackson the area vice-president, will be strongly represented once again in the organization. So I really believe it's coming back.

I think we've seen some great efforts such as the development of S.2010, the bill to repeal public law 280. Regardless of the fact that it did not go through Congress, that it went only through the Senate, the effort of the tribes working together, writing a bill, agreeing to it, unanimously across the country, getting it introduced in the Congress and half-way passed through, I think is something tremendously significant, in showing our efforts, not of a few of our staff members, but from where it really should come, from the people, with the direction to the staff, "Do like we tell you and you will do well."

We have had I think just the seed of some real great things that could happen, if only we can get the support, the assistance, and the financial help to do these things. A great dream of ours was the litigation committee, a committee made up of tribal leaders, of Indian attorneys, of technicians, that would meet and try to coordinate strategy on litigation -- in an area where so many people felt there was no possibility of coordination. That isn't dead. It hasn't been functional through the year due to lack of money, but we have received word, just prior to the convention that we are getting $25,000.00 which should be enough to take the litigation committee through one year.

The development of the committee structure in NCAI, I think is one of the most promising developments in our history. Our professional people in all of the areas of concern to Indian people, forming to relegate themselves to a staff level to put together positions on which you tribal leaders can make the decisions. It's the same relationship that any staff has with congressmen, senators, or, indeed, ambassadors or representative of sovereign nations. You have the total authority to make all the decisions and to set the policy for the organizations, it's your challenge. The rest of the organizations' the National Indian Education Association, the Coalition of Indian Controlled School Boards, the Higher Education Consortium, all of them, assigning their staffs, at their own expense to meet as the NCAI education committee, to put together issue papers for your consideration. And And I think that is a great tribute, it's a great deference by all of them to the tribal governments and the tribal leaders that the tribes delegate to this national convention. And the same thing is happening in health and social welfare. And we're in the process of hopefully, developing those areas in the legal areas as well.

But it also helps to keep the organization trim. We don't have to use tremendous amounts of staff time to do studies, or to seek massive federal fundings to do studies, when we already have the talent and the knowledge in the field. And all it takes is the coordination in putting that knowledge together, and they come up with the position statements.

If there has been any true disappoints that I feel in my tenure in this office, it has been my inability to improve the communications between the organization and the tribes that comprise the membership and leadership of the organization. And it is particularly hard because, as I recall running for this office in Sarasota, five years ago, one of the big promises was that I was just coming freshly off from the directorship of the American Indian Press Association, and the communications of NCAI would improve greatly. I truly apologize to you for not having improved that communication.

I believe that NCAI is really on an upward trend I believe that there are many areas where it can continue to grow. And it must continue to grow in the fundraising area. We have been offered, by the Senate, the rights to publish the final report of the American Indian Policy Review Commission, hopefully minus the Meeds dissent. That is a report that, for years, will be sought in colleges and schools and by individuals throughout the country. There is great potential there, just for the publication of that and for the funds, the proceeds of those sales going back to the organization.

There're many other areas where we can raise unrestricted funds for the organization. It takes time, it takes staff, imagination and an awful lot of work. In June, at the mid-year conference, I announced my unavailability to serve as executive director for another year. And that decision rose out of frustration and, frankly, personal doubt as to whether or not I am the person to continue to help build the organization. The personal hazards of the job are great and I, perhaps, was a victim of many of the personal hazards.

That had a great deal to do with my decision, the impact that it has on family, and on ones self as an individual. I have no great aspirations, I have no plans for another job. And, to me, there really isn't much higher up that I can go than the executive directorship of the National Congress of American Indians.

I am not playing a game for support or a draft or anything else. This is my fifth term by acclamation. I have never had one vote cast against me in my five years as executive director. Last night, in an Executive Committee meeting, a majority of which was present, I was asked, via resolution, to continue serving and, after some discussion, I have agreed that if you want me, if you can use me for another year, I would be willing.

(APPLAUSE)

-- I appreciate your faith and your trust in me, and I promise you that I will continue to do a job, thank you.

Chairman Murdock introduced Mrs. Georgianne Robinson, Chairperson of the Credentials Committee to give the Credentials Committee Report.

MRS. ROBINSON: Madame Vice-president and tribal delegates and members, as chairman of the credentials committee I'd like to report that we have three sections to the credentials committee, the credentials committee verified the voting delegates from the tribal groups, and also individual members. We govern who is eligible to vote. And I think to keep this in order, this is the convention assembled body, and first we should have the rules and procedure of the convention, because that tells you how the convention is to function, and Roger Jim is chairman of that committee, then we have the elections committee and that will govern how we will proceed with our election. Now we have a listing of tribes that we've prepared as of 1:15, and so when the tribes names are called out, if your name doesn't appear, your name was not cleared, your tribe was not cleared as of 1:15, so we had to have a deadline. Now I think I'll have Roger give his report first, because it does pertain to the convention body.

MR. JIM: Thank you Georgianna. Report of the Rules and Procedures of the 34th Annual Convention, subcommittee of the Rules and Credential committee, Dallas Convention, September 18 through the 23rd, 1977. The National Congress of American Indians reaffirms its commitment to abide by the Constitution and By-laws of the organization and in the following rules set forth its interpretations of the requirements therein and submits the following rules and procedures.

Rule Number One. In accordance with Article Two, Section Two of the By-laws and Roberts Rules of Order, newly revised, the quorum for the 34th Annual Convention of the NCAI shall consist of a majority of all member tribes registered and certified by the Credentials Committee.

Rule Number Two. A person shall be allowed to speak no more than one time for no more than three minutes on any questions, except by leave of the chair.

Rule Number Three. The NCAI Secretary shall read only the names of member tribes in good standing, when general rollecall is taken.

Rule Number Four. In so -- response to each call for the roll, the voting delegate or the alternate voting delegate shall stand and state his or her name, and the name of the tribe representing and the number of vot votes cast for the tribe.

Rule Number Five. The unit rule will apply in tribal voting. For example, when a tribe has 100 votes, to cast, all 100 votes should be cast for one party or issue. Not split.

Rule Number Six. When a vote is taken, only individuals who are wearing their official convention badges will be recognized as eligible to vote. During the voting, the assembly room, shall be divided to separate individual and tribal voting delgates and members from the visitors to the convention.

Rule Number Seven. Any motion, any second presented before the convention floor must be made by a registered member in good standing.

Rule Number Eight. A voting member to the Executive Council, must be a duly delegated member, authorized by that tribe to cast such vote. I would like to add, in respect to these standing rules for the assembly, that you will have a separate set of rules that Max Mazetti will be explaining regarding the election that will come forth later during this convention. And some of those rules is touched upon again that I have just read within the election report that Max will give.

Madame chairperson, I'd like to make a motion that these rules that I have just read, be adopted by this assembly.

34th Annual Convention of the
NATIONAL CONGRESS OF AMERICAN INDIANS

FOURTH GENERAL ASSEMBLY
Tuesday, September 20, 1977

The Chair introduced Mr. Noel Starblanket, President of the National Indian Brotherhood of Canada.

MR. STARBLANKET: Good morning tribal delegates, ladies and gentlemen and friends. I want to thank the President of the National Congress of American Indians for inviting me down to speak to you. I also want to thank the tribal delegates for their strong support of the resolution on border issues. That, to us, is an outstanding grievance that Canadian Indian people have had for many generations. And it's only as of this administration that we're beginning to finally do something about it.

And so, with that in mind, I want to thank you tribal delegations, you chairmen, you delegates, for the support that you did give. We look forward to working with your organization in the resolution of some of these very serious problems that we face at the white man's border.

I was proud to hear your president, your outgoing president now, as I understand, Mr. Tonasket, talking about the National Congress of American Indians, and those people through their tribes that support the idea of sovereignty, and those people that support the National Congress of American Indians' positions on any issue.

Very often, Indian people both in the United States and in Canada will say to their organizations, "Well, what have you done for me? Why should I support you? You haven't done anything to help me." The only response I've been able to conjure up in my mind about that kind of situation is this, and it's to use the words of one of the fine statesmen of this country, the late President Kennedy, when he asked his people, and he told his people, "Don't ask what the country can do for you..." -- don't ask what your organization can do for you, using it in our vernacular, ask what you can do for it.

So I'm telling my people that in Canada. We're a young and fledgling organization and we're having our difficulties getting our political act together, as I assume you sometimes have in the United States. But constantly we've been hammering away that we're as representative of Indian opinion in our country as the National Congress and the National Tribal Chairmen's Association are in this country -- this country's Indian opinion, that we are no less representative because of the fact that we have some political division on certain issues. Those are the kind of things that we're constantly having to remind ourselves of as Indians in this continent.

I was asked to come down here to speak to you, to tell you some of the similarities that we face as Indian people on this continent. The Mason-Dixon line, the international boundary, the border between the United States and Canada was not made by us. We sat up till about 2 or 3 o'clock this morning just discussing some of the things that you have just finished discussing this morning on sovereignty. The very issues that we were discussing has its roots in the white man's ideology when he brought his concepts of law over here from the British common law system. The fact that we have to try to work within the system, try to understand it and try to mold our own Indian thinking into the development of Indian law that we'd like to see for our own governments, for our own organizations, our own councils.

The National Indian Brotherhood has been trying now for some eight years to try to get a feeling about what Indian people in Canada are advocating as far as sovereignty, Indian government, local government -- it's known by various terminologies, both in Canada and the United States. And more recently, there has been the need for an international interpretation of sovereignty. I say that because of the fact that you know very well that the United States is in dire need of energy.

The country of Canada has those resources and they're sitting right now under Indian land, land that has not been negotiated for, land for which title has not been extinguished, that is held by Indian people. You know full well the very dire need for energy in this country. Indian people know that in Canada, the government of Canada knows that, but the United States has the ultimate power over that because all President Carter has to do is snap his fingers and Prime Minister Trudeau comes running down to Washington to say, "Yes, Mr. President, we'll give you your pipeline any time you want, and to hell with the Indians. Don't worry about them, we'll look after them."

And that's what's happening with regard to the energy question in northern Canada where two Indian nations in two territories there have been asserting their sovereignty and saying, "We want our own government with the confines of the confederation of Canada." And Prime Minister Trudeau has taken the ball away from the minister whom he had appointed to look after that very problem, and instead, ran to President Carter and said, "Yes, Mr. President, we'll give you your pipeline."

The Prime Minister had so much opposition against running a pipeline through the MacKenzie Valley of the Northwest Territory of Canada -- feasibility studies and Indian opposition with public opinion on their side -- he decided to go through the Yukon, where the Indians were less well organized, where the Indians were divided, more so than in the Northwest Territory, and especially because it would get some of the heat away from his government by going through the Yukon first with the condition in the future to have the pipeline go through the Northwest Territory anyway.

So you see, when Indian people begin to assert their rights as sovereign nations, they aren't talking about breakaway. A lot of you have heard about the situation in Canada, where the French province wants to break away from the rest of Canada. Indians are not talking about that. Indians are saying, "We have always been sovereign nations. We have always reserved that right for ourselves. We have not extinguished our rights to our own style of government, our own form of government, but rather, we have allowed you people to come in here to settle with us. We have co-existed with you all these years to the point where we've allowed you to trample all over us, and our rights and our lands."

Now, today, Indians from Ontario, from Saskatchewan, from the Northwest Territories, are starting to stand up and say, "We are Indian nations." In Saskatchewan, they're talking about Indian band governments. They are tribal councils that you talk about here.

For years and years, there has been no interpretation, and in fact, no ratification by any member of the government of Canada to recognize the fact that there has been some form of responsibility to the Federal government to recognize these kind of situations, of sovereignty, of trust responsibility, the very same things that you're talking about here in the United States.

No minister of state for Canada for the Department of Indian Affairs has ever said to any Indian people or the Canadian public, "Yes, I am the trustee; yes, I have federal responsibility." For written into the constitution of Canada is a section whereby they recognize two nations, that being the French and the English, and forgetting totally about the Indian nations, except a little section, Section 9124, where it says the Federal government is responsible for Indians and lands reserved for Indians.

And little did they realize that this piece of legislation would have so much clout in this day and age, that Indian people are saying, "Federal government, you better live up to your responsibility, you are the trustee. You have a trust responsibility, which is greater than as if you would be a personal trustee."

So, because of that, the first minister that we have ever had in the history of Indian-government relations in the country of Canada has stated publicly, time and time again, "Yes, I am the trustee." So what happens when he goes around saying things like that to Indian groups and other organizations in the country of Canada? He lasts but a mere 12 months. Last Friday he was shifted. He was given another portfolio because he was too close to the Indians, I'm told. Because he sided with the Indians on the pipeline issue, because he sided with the Indians to develop their own Indian airlines, without the necessity of having them okayed by the government of Canada. He argued with the Minister of Justice because of the fact that he's willing to give the National Indian Brotherhood the mandate of writing Indian policy through our Indian Policy Development Secretariat. Because he dared to say things like, "Indian people have been done wrong by Canadian people for 100 years. It's now time to set the record straight", he was shifted.

We had the occasion of listening to your president, Mel Tonasket, at our national meeting last week, in Winnepeg, Manitoba. Mr. Tonasket talked about the very same things that are very important to Indian people in Canada. And when your president stepped down, tribal delegates and ladies and gentlemen, I'm proud to say that the Canadian Indian representation there of political leadership rose and gave him a standing ovation, and supported the American people here in fighting the very same kind of things that we're fighting, the close alliance that can be developed, and the close identification with those very same issues.

I ask you to give the mandate to your new president, your new elected officers, the mandate to work with the National Indian Brotherhood of Canada. We need your support. I believe you also need ours. Because we make up a minority in this country, but we can be a very powerful minority if we get our political act together as Indians in this country and in this continent.

For that reason, I have proposed to Mel Tonasket and Joe DeLaCruz that we not only work at this international level of Canada and the United States, and the NTCA, NCAI and NIB, but that we also look towards developing a further relationship in the World Council of Indigenous Peoples. Your organizations have been very supportive of those groups. NIB, NCAI and NTCA have come together, and we have asked Joe DeLaCruz to be the North American representative on the Board of Directors of the World Council of Indigenous Peoples.

You see, our relationship with American Indians should not be one of cooperation based on protocol. That's a bunch of baloney. Because we should have a relationship that mandates our full commitment to one another to support each other on these different issues. You have different ways of working on things, but all of our roots have the basic same thing -- that is, we're fighting a colonial relationship that has been imposed on Indian people for the last 300 or 400 years. Those roots are based in the British common law system, and the evolvement of your laws and our laws in our country perhaps, although they have gone in different directions, are basically the same. You people are ahead of us in some areas, especially in the area of litigation. We're ahead of you in some areas.

But what I'm saying is there are people up in Canada who need your assistance, who would like very much to sit down and talk with you. How are you doing this, how are you doing that, what kind of reaction are you getting from white people? Because white people are no different in the United States than they are in Canada. We've got the same kind of rednecks that you have down here.

So that's why we need to support one another. And I think I should say that to you in the strongest terms that I can, tell you that we really need your support in Canada. In other ways, too, we can help you. There are now existing relationships between different educational institutions and other groups that are beginning to talk to one another with Canadian institutions.

Another reason I ask you to commit your support to this kind of a liaison is because the Bureau of Indian Affairs in your country and the Department of Indian Affairs in my country have a relationship, whether we know it or not. The very fact that I'm down here speaking to you is going to get back to Canada, to the Department of Indian Affairs and they're going to ask, "Just what did you say, Starblanket, to the Indians in the United States?"

Because every time I make a public statement in Canada, the moment I get back to my office, there's a little communique saying, with the compliments of the Department of Indian Affairs, this is what you said at that meeting. So you can bet your boots that when I get back, they're going to know what I've said to you American Indians.

So you see, Canada is not much different from the United States in terms of its impositions, its red-tape and everything else that are affecting Indians in the United States and Canada. For example, the Minister of State for Indian Affairs asked me to come down with him to the Navajo Reservation to look at their tribal government system. I was very pleased to go because we were talking about that very same thing. And the Minister, in expressing a personal interest, made me feel very good that he should want to go down and look at an Indian government system.

So I consented to go. We went down, we talked to the tribal chairman. There, the tribal chairman told our Minister of State, after making him wait for two hours, which I thought was pretty good, too, said to the Minister, "The Indian people are tired of having a little civic sandbox in which they are told to play by the government -- by the government of the United States."

And similarly in Canada, Indians are given a little civic sandbox. They say, "Here, Indians, pretend you're playing government. Have your little tribal chairmen and your little tribal councils. But we're not going to give you any power, because we're going to hold the ultimate power in Washington to decide on what resolutions you can pass and what you can't." The same situation exists in Canada, my friends, where the Department of Indian Affairs has the right to okay or reject bylaws that Indians made on their reservations. The Parliamentary Secretary's definition of local government in Canada is this, that Indian band councils will take over programs that have formerly been administered by the Department of Indian Affairs, that is, capital housing, water, a few other things that we mentioned. That was his concept of local government.

I mean, any corporation, anybody can, with a little bit of training, administer a few dollars for capital housing and what-have-you. But it takes real assertion and real guts and real knowledge to be able to say, "We want to make our own laws and we want to enforce them." Part of the backlash that you talk about also exists in Canada, where people have said, "Well, Indians, you can't do that. Provincial law applies, the federal laws apply on reservations. You don't have the powers to make laws."

But one example in Ontario is where Indian hunting rights were being abrogated by the provincial government, who said, "You can only hunt during such-and-such a period during the year." Indians were saying, "We're going to hunt anytime we want, and fish in our rivers, hunt in our lands anytime we want."

So they did, and in order to enforce that, they're hiring their own enforcement officers to carry out those regulations. Is that taking the law into their own hands? According to the Department of Indian Affairs, it is. But according to them, they're asserting their sovereignty, exactly the same thing I hear being spoken about at this conference. I hope more people have the guts to say those kind of things and to do those kind of things.

One of the things that I heard one of my fellow Indian leaders say was, "I keep coming back to these conferences, month after month and year after year, hearing Indian people saying the same things. That must mean that nothing is happening, if we continue to say the same things."

But when we come back to a conference and say, "This happened, and as a result, these are the consequences. This is what could happen in the future." Now, those are the kinds of developments I like to see at conferences. Instead of coming back and harping and crying and jumping up and down about our treaty rights being trampled and what-have-you, we come back and say, "This is what we did. And this is where we got the government, this is where we got them to negotiate, and this is the result of a certain piece of litigation." Those kinds of things I like to see happening. And I'd like to see them happen in Canada more often, as well.

A little bit about the history of assimilation or termination or whatever you want to call it in Canada. In 1947, one of Canada's most noted historians, Dr. Diamond Jenness, wrote a plan for the Canadian government on the problems that the Indian people were suffering from -- socio-economically and otherwise. That plan was called the 1947 plan to liquidate Canada's Indian problem within 25 years. It was written in 1947 and 1972 was to be the 25th year. Because it wasn't working, because Indians were still brownskinned, living on reservations to retain their cultural identities, participating in their sun dances and doing whatever else people do when they're Indians. In 1968, four years before the 25th year was to have come around, they decided to write a paper on Indian policy in Canada. That paper, ironically, was known as the White Paper on Indian Affairs in Canada.

It was to abrogate all treaties, all trust responsibilities, all the responsibility for Indian reserve lands and Indian status. It was to divest the Federal government of the responsibility for all Indian affairs programming, jurisdiction authority, etc. and give them to other agencies in the Federal government, and the provincial governments, and agencies within the provincial governments.

That was the final answer of the Canadian government to the Indian situation in Canada. The White Paper was unanimously rejected by every Indian organization and spokesman in the country of Canada, except a few people, those people who are being paid $300 and $400 a day to sell this paper. One noted Indian lawyer was an example of this. There were other Indian people who were also conned into trying to sell this paper.

Suffice it to say that those people are nowhere in Indian political circles today. So you see, the kind of similarity that exists between your termination policy here in the United States some years ago and the termination policies that were made and still exist in Canada today. We have been asking, since I have been elected president, the Minister of Indian Affairs to do something to denounce that White Paper policy. Do something to advocate Indian trust responsibility, the Federal government trust responsibility.

Several attempts were made to try to denounce that White Paper. None of them were sufficient to satisfy our political hunger, to have that White Paper denounced legally and officially. And when finally a letter came down, we stated it wasn't good enough. The Minister made a statement at our general assembly, our national annual meeting. As soon as he made that statement, the next day he was shifted, because the Federal Minister had denounced the White Paper.

That, along with all the other reasons I have elaborated on, is one of the reasons for his dismissal as Minister of Indian Affairs. Now, when you have the kind of crisis that we face in Canada that you people are facing now, in the face of this Cunningham and Meeds and all other other culprits you have there in Washington, we have those kind of people, too. They're a little more subtle. And because the Canadian people don't have as large a government or as large a population in Canada as in the United States, we have a little more leeway, a little more leverage. We can really get to some of these Ministers, with the proper use of the media, with the proper use of scientific lobby, and most of all, with the proper use of swing vote.

Parliamentarians, politicians, are not concerned about those voters from whom they have commitments. Politicians work on those swing votes. We've got enough influential Indian leaders in the country spread out in certain key strategic areas, that if he speaks out against a certain issue that a Minister is advocating and he's from that constituency, he can turn that swing vote like that. And in certain other parts of the country, Indians can control, if they voted in blocks, 16 constituencies, for example, in one province. Now, that's the kind of political power that we've been attempting to exert. People listen to that, whether they like Indians or not. Because Indians are becoming a political force in Canada, I'm proud to say. Part of the processes that have been developed by Canadian Indians is what we call a joint National Indian Brotherhood cabinet committee. We have a cabinet ministry of approximately 30 ministers, including the Prime Minister. We meet with them every six months with about six to eleven Ministers at any given time. There we discuss issues such as legislation affecting Indian people. There we discuss issues such as the socio-economic development of Indian people. And there we also berate the Department of Indian Affairs for its slowness, its inadequacy, and most of all its hypocrisy in dealing with Indian people in Canada.

Several hundreds of millions of dollars are allotted annually by the Parliament of Canada for the Department of Indian Affairs. And like you in the United States, Indian people finally get about ten percent of those hundreds of millions of dollars. I don't have to go into all the problems that Indian people are facing today. It's no different in Canada, except that we freeze a little harder in the wintertime.

We have also established our Indian Policy Development Secretariat. We've been saying time and time again that unlike your people, every bureaucrat has his definition of trust responsibility, has his definition of what it is the Federal government is mandated to do with respect to the Constitution of Canada. And because of that confusion, we have decided, once and for all, we're going to define what it means -- trust responsibilities, sovereignty, Indian governments, all the other terminologies that have been batted around constantly by Indian leadership.

You know, like white people, Indian people jump on a term and ride the hell out of it. One of those terms in Canada is extinguishment. Another of those terms now is becoming trust responsibility. Sure, it's a nice word. But we Indian people in Canada don't even know what it means. Everybody talks vaguely, pie-in-the-sky, about trust responsibility, not really knowing what they're talking about. This great trust responsibility of the Federal government of Canada. What is it? What are the constitutional rights? What is the Royal Proclamation of 1763? What are aboriginal rights?

About all of this legal terminology. Up until five years ago, we had only five Indian lawyers in Canada. Now, I'm pleased to say that with the advent of Indian political sophistication and maturation, we have something like 50-plus who are at least in law schools, and about ten Indian lawyers now. So Indian politicians are jumping on the legal jargon and the legal terminology. I understand you have difficulties with your attorneys as well. But we're starting to go through that now as well in Canada. And I'd like to learn from some of your mistakes before I get into some of those things.

I'd like to congratulate you on the success of your conference. It's such a fantastic feeling, to see all the participation, how well run your conference is, and to see the political discussions that are going on in such a confident and respectful way. We're starting to develop that in Canada as well. And I'd like to continue our relationship with the NCAI, and now the National Tribal Chairmen's Association. The 550 band council chiefs in Canada would like very much, for example, if ever there was to be a meeting pulled off with all these people, to have the National Tribal Chairmen's Association President to meet with them in Canada.

We have had Mel Tonasket. We would like to formally invite Mr. Joe DeLaCruz to come up to some of our provincial chiefs' meetings. We have much to learn from you people. We'd like you very much to share it with us.

To the new president, whomever he or she may be, I wish you well in your campaign. I wish you success in your term. I'd like to congratulate you; I will be here on Friday for the banquet and the swearing-in of the officers. I'd like to also invite Miss NCAI up to Canada because in Canada we have been attempting for several years now to get a national Miss Indian Canada or something like that going. And we've had difficulty.

We've only this year reinstituted our Indian Athlete of the Year. It was such a proud moment to see that young person, a blind Indian girl of 14 years old, win several gold medals in a special handicapped Olympics. We should honor those kind of people and there needs to be more of that.

So let's see that kind of thing developing, and if the new president and the new Miss NCAI would like to give us a hand, we'd really appreciate that.

In conclusion, I want to tell you a little story about the white man's concept of property. I was in law school a couple of years back, and there was an area of the law known as property that we had to study. So, I opened up the first page of the book on property, and there was a little anecdote there, and it went like this.

When the white man brought his concepts of law over here from England, the British common law system, they brought over the concept of property and what it meant and how it evolved. The story is that in England, way back when they had the serfdom, the kings, the lords and all that, and had the peasants, the laborers, who would do the work for these big, important people. They acquired land if they were good or if they were loyal subjects. And as they became better, they acquired more land more wealth, etc. So the story about property is like this.

One guy comes up to another important man, and he asks, whose land is that over there? Whereupon, the second party says, it's my land. Well, how did you get it? My father gave it to me. How did he get it? His father gave it to him. And how did he get it? Well, his father gave it to him. How did his father get it? Well, he fought somebody for it. Whereupon the guy says, well, I'll fight you for it.

And that's how the concept of white man's property came about. And the story is still the same today, because you take one little inch of land away from a white man, he'll sue you for it. Take you to court for a million dollars. But that's the whole idea, the white man's concept of property that the Indian people never understood.

And that's part of the concept that we're beginning to understand now, with our Indian lawyers and our attorneys, and with the evolution of Indian concept of property and how it should be shared and delivered to Indian people.

In Canada as well, Indian people didn't know the white man's concept of property. But they are now beginning to understand. They're now beginning to understand that they're not making land any more. They're not making any more of it. And the white man is not going to give us any of it back. So we better hang on to what we've got. In order to do that, we've got to understand some of his systems. In order to do that, we've got to assert some of our own ways of how to handle these lands and these rights that go with the land.

And so it's done on several fronts -- on the spiritual, on the political and on the legal. Indian people are begging to assert their sovereignty. That's a tough role. It's a real challenge to Indian leaders, and the Indian leaders who take this power into their own hands and say, "I'm sovereign and I'm going to assert it and I'm going to assert it in legislation that exists, both our own Indian legislation and the white man's legislation."

And we're going to do it in Canada, by God, and we need your help for that. So, without saying anything further, then, I thank you for listening to me. I hope that you continue to have a good, successful convention. I'd like to invite those of you who can make it sometime to come to Canada. It's a hospitable country, except in the winter time. Try to make it in the summer.

Again, thanks for listening to me, and good luck to you all.

MR. CRAWFORD: The Education Committee will now bring a resolution to the floor for your attention. It deals with a bill that's very vital to the future of our young people. And this deals with community colleges on our reservations. This is a new concept. At the present time in Congress there is no policy concerning post-secondary or higher education for Indian students. This will be the first bill -- there are two pieces of legislation pending now in both Houses of Congress. We've tried very hard and we've worked very long to develop a resolution to bring to you for your consideration -- it's very important that everything be spelled out because this will be basis for the foundation for a higher education policy for American Indians. There have been many questions asked, and many questions have been answered, we have asked and he has consented to be available for clarification, Mr. Sam Deloria of the Indian Law Center at the University of New Mexico in Albuquerque. If you do not understand anything, please ask for clarification before you consider amending it, because it's very important. This is going to be the basis of the foundation for Indian higher education.

The Resolution was read, and adopted with amendment. It is printed in its entirety in the "Resolutions"

MR. DELACRUZ: Mr. Chairman, I'm Joe DeLa Cruz, I'm Chairman of the Quinault tribe, and I'd like to commend the committee that worked on this very difficult problem that has had a lot of people split, and thank Sam Deloria for working out the wording. The wording has been worked out by this committee definitely points and clarified the things that people were having some difficulties with. This resolution, as it reads now, also strengthens tribal government. Thank you.

MR. DELORIA: Okay. The committee feels that the general thrust of the resolution makes it clear that we're talking about tribal control of these programs. Now, whether you're talking about one tribe on a reservation or two or three or whatever.

MR. CRAWFORD: If I could beg your indulgence for just a moment. As Chairman of this Education Committee, I'd like to personally and publicly thank all the members of that committee. They worked very hard on your behalf, but more so on behalf of our young Indian people, And I know that tomorrow is going to be better because of their efforts here today andbecause of your efforts. There are very strong committed Indian educators on that committee. You couldn't find a better committee. We would like to, at this time, make a presentation that has a lot of meaning to us because people who are on committees many times do not get to receive the attention that they should because of their efforts, and we hope that this, then, will not let some of those efforts go by unacknowledged. Dr. Lionel Bourdeaux, President of Sinte Gleska College, Rosebud Reservation, and official delegate to this convention, then, will make the presentation.

MR. BOURDEAUX: Thank you, Mr. Chairman. I'd like to take a few minutes to thank the general assembly for allowing me the opportunity to stand before you here. It's a tremendous honor. At this particular time I would like to say something in behalf of the fact that -- I want to thank the general assembly for the support given Indian community colleges at the 34th annual convention of NCAI. It's been a long and hard struggle for a few people trying to bring Indian colleges to the forefront. But I'm particularly sorry for the fact that Indian colleges, for a moment here, was such an issue and such a heated dispute that polarization did take place momentarily, but as always, I know ever mindful of unity because of so many other areas and issues, such as sterilization, such as sovereignty, such as abrogation in a treaty bill that's in, that we all need to band together. And those of us in Indian colleges feel that Indian colleges are here to strengthen tribal government. And we're certainly not in operation to any way undermine. And I guess we hit the 34th annual convention with a loud boom. And I know I suppose the 34th convention will be long remembered when Indian colleges hit the scene. Those of us who have been involved in Indian community colleges are therefore coming to you as a collective tribal government to support us, and we're glad you did. Thank you.

At this time, I'd like to take this opportunity to present an award to an individual who I have known for a long time who I have come to respect. There have been times when we may have had differing philosophies regarding certain issues, but we've always been able to work these out together very professionally and personally. This individual is well known throughout Indian country, throughout the halls of Congress, and I myself have called upon this individual many, many times, as I will continue to call upon her many, many times in the future, because she has tremendous expertise. She is known throughout the country, and she is known as an advocate for Indian education. At this time, I would like for the general assembly to honor and to acknowledge the efforts of Miss Pat Locke for all of her endeavors and all of her efforts in trying to bring education -- Indian education to the forefront as she has very well done. Ms. Locke? (APPLAUSE)

"The 34th Annual NCAI Convention. For outstanding contribution in Indian Education, Pat Locke, 1977."

MS. LOCKE: I am really touched and I appreciate this award and I especially appreciate it from Lionel Bourdeaux who is a person that is known among some of us as the grandfather of the Indian colleges. He's not that old but he's a person that is dedicated and is concerned for the welfare of our tribal people, and has worked very hard -- maybe harder than I have worked. Maybe this should be going to him. But I appreciate his presenting this to me, and I appreciate your recognition. Thank you.

(APPLAUSE)

MR. BERNAL: The chair would like to add a little comment to this brief ceremony. As you the tribal leaders and tribal members representing your people in this kind of big Indian meeting, in representing your Indian tribes, at the state level, federal level, a lot of time that you feel that there are thankless attitudes that you might have experienced. A little token and gift that someone has thought about you. Tribal leaders like us don't get paid for what we are going, but we establish something for the benefit of our people -- Indian people, what we're working for. And I thank you for the gentlemen and the group that have presented this wonderful gift.

RESERVATION DEVELOPMENT COMMITTEE

Policy Resolution No. 1
ENVIRONMENTAL PROTECTION AGENCY & INDIAN TRIBES
Adopted September 21, 1977

WHEREAS: the Environmental Protection Agency (EPA) has a responsibility to protect all of the Nation's environment; and

WHEREAS: the EPA has established a partnership with the states in regulating environmental controls, ignoring its trust responsibility to Indian tribes within its legislation and regulations; and

WHEREAS: Indian nations are the owners and governmental authorities over vast areas of the country's land; and

WHEREAS: the EPA cannot fulfill its responsibility to Indian reservations without the assistance of Indians; and

WHEREAS: the EPA has not developed a partnership with Indian reservations while devoting major efforts to develop regulatory relationships with the states; and

WHEREAS: EPA requires a 25% match for their programs; and

NOW, THEREFORE, BE IT RESOLVED that the NCAI support the recommendation of the Reservation Development Committee that the EPA review and redesign its program delivery system, and remove impediments experienced by tribes in the present delivery system; and

BE IT FURTHER RESOLVED that Indian tribes be eligible for direct funding from the EPA without being required to provide the matching funds for EPA programs because Indian tribes do not have the base income for this match; and

BE IT FINALLY RESOLVED that the U.S. administration establish an Indian policy and program office within the office of administration.

RESERVATION DEVELOPMENT COMMITTEE

Policy Resolution No. 2
POLLUTION OF WATERWAYS - SUPPORT OF SPOKANE TRIBE
Adopted September 21, 1977

WHEREAS: a number of major rivers in the Northwest, passing through or by Indian reservations, are being badly polluted by upriver municipalities and industries; and

WHEREAS: pollution such as on hte Spokane River degrades the quality of rivers which should be valuable recreational and esthetic resources of concerned tribes; now

THEREFORE, BE IT RESOLVED THAT the National Congress of American Indians support the Spokane in its efforts to force the City of Spokane to stop polluting the Spokane River and further supports all other Indian tribes which are attempting to remedy similar situations on other rivers being polluted by upriver cities and industries.

RESERVATION DEVELOPMENT COMMITTEE

Policy Resolution No. 3
INDIAN DEVELOPMENT AUTHORITY
Adopted September 21, 1977

WHEREAS: Indian economic conditions are a national disgrace; and

WHEREAS: the Federal efforts to alleviate Indian economic suffering has not resulted in progress commensurate with time and money invested because of the lack of coordination of program goals and funding cycles; and

WHEREAS: there is a stated policy of self-determination; and

NOW, THEREFORE, BE IT RESOLVED that the National Congress of American Indians support the formation of the Indian Development Authority whose purpose would be to foster Indian economic progress by bringing necessary resources for economic development into a single comprehensive, quasi-governmental corporation controlled by Indians;

page 22 blank.

BE IT FURTHER RESOLVED, that the Indian Development Authority would be responsible for assisting through funds and technical assistance Indian economic progress by planning, financing through grants and loans, technical assistance and government contracts; and

BE IT FURTHER RESOLVED, that an implementation study be undertaken to design the Indian Development Authority and that the study be directed and controlled by Indian tribes.

RESERVATION DEVELOPMENT COMMITTEE

Policy Resolution No. 4
SUPPORT OF NATIVE PRACTICING CRAFTSMEN
Adopted September 21, 1977

WHEREAS: the preservation and enhancement of native arts and crafts of American Indian tribes is paramount and vital to the culture and heritage of Native Americans; and

WHEREAS: native practicing craftsmen are finding it increasingly difficult to derive a living from their arts due to large non-Indian traders with unlimited supplies of Indian jewelry competing in their chosen field; and

WHEREAS native craftsmen must retail their extremely limited products to sustain a livelihood, while large non-Indian traders generally wholesale, or otherwise sell at discount prices to the chagrin and detriment of the Indian craftsmen;

NOW, THEREFORE BE IT RESOLVED, that the National Congress of American Indians support the native practicing craftsmen in urging Indian tribes to allow and permit only Indian craftsmen to market their products at pow-wows and/or fairs on Indian reservations; and

BE IT FURTHER RESOLVED, that all products sold and not made by Indians must bear the label "Not Made By American Indians" at all pow-wows and/or fairs on Indian reservations.

RESERVATION DEVELOPMENT COMMITTEE

Policy Resolution No. 5
H.R. 4960, AMENDMENTS TO THE SMALL BUSINESS INVESTMENT ACT OF 1958
Adopted September 21, 1977

WHEREAS: the Small Business Investment Act of 1958 authorizes the Small Business Administration (SBA) to license and finance investment companies, which in turn, provide debt and equity capital to businesses owned by the economically or socially disadvantaged; and

WHEREAS: H.R. 4960 would greatly liberalize the Small Business Administration investment programs by allowing these investment companies, among other things, to receive "cheaper" financing from the Small Business Administration due to the effect that more investors would be attracted to start or expand investment companies, and thus provide the minority communities with greater availability of debt and equity funding; now

THEREFORE BE IT RESOLVED, that this National Congress of American Indians Convention of 1977 supports H.R. 4960 providing the following stipulations be met that:

(1) One or more Indians be placed on the present Advisory Board

(2) Indian employees be placed in the district and national SBA offices.

(3) Regular reports be made by SBA district offices to the National Congress of American Indians on the number of Indian and other applicants per district.

RESERVATION DEVELOPMENT COMMITTEE

Policy Resolution No. 6
SUPPORT FOR A NATIONAL INDIAN COOPERATIVE
Adopted September 21, 1977

WHEREAS: the United Indian Planners Association has proposed a National Indian Cooperative as a self-help mechanism created by Indian determination to enhance efficient marketing and savings in the purchase of supplies and equipment through a federation of tribal cooperatives; and

WHEREAS: exploratory meetings have been held with the Secretary of Agriculture and staff resulting in positive United States Department of Agriculture encouragement and support;

NOW THEREFORE BE IT RESOLVED, that the 34th Annual meeting of the National Congress of American Indians hereby approve the concept of a National Indian Cooperative as recommended by the United Indian Planners Association.

RESERVATION DEVELOPMENT COMMITTEE

Policy Resolution No. 7
RESOLUTION ENDORSING THE NAVAJO NATION CHARGE ON SULFUR EMISSIONS
Adopted September 21, 1977

WHEREAS: the Navajo Tribal Council unanimously passed in June 1977, and amended in September 1977, a law, which requires a permit for all Navajo Nation based activities which emit more than one million pounds of sulfur and sulfur compounds annually. Additionally, for sulfur and sulfur compounds emitted over one million pounds, there is a fee schedule for each pound of sulfur as follows:

January 1, 1978	15¢;
January 1, 1979	30¢;
January 1, 1980	45¢;
January 1, 1981	60¢; and
January 1, 1982	75¢; and

WHEREAS: the purpose of this measure is to assure a safe environment for the Navajo people by providing a financial incentive for the reduction of sulfur emissions; and

WHEREAS: this measure is a legitimate and essential exercise by a sovereign Indian government to police and protect its residents; and

WHEREAS: the implications of the Navajo effort for all Indian governments are great in terms of tribal sovereignty, tribal tax authority, and tribal environmental regulatory authority; and

WHEREAS: the Navajo have on September first and second, 1977, been served temporary restraining orders in Phoenix and Albuquerque Federal Courts, halting implementation of the sulfur regulatory system until a determination of the validity of the law is made by these Federal Courts; and

WHEREAS: the Navajo have by memorandum requested support by the Department of the Interior;

NOW THEREFORE BE IT RESOLVED that the National Congress of American Indians, in general assembly, support the Navajo regulatory charge on sulfur emissions; and

BE IT FURTHER RESOLVED, that the Natinal Congress of American Indians in general assembly urges the Department of Interior to provide financial and logistical assistance to the Navajo for the upcoming long and costly legal suits.

RESERVATION DEVELOPMENT COMMITTEE

Policy Resolution No. 8
SUPPORT FOR NATIONAL INDIAN BUSINESS DEVELOPMENT PROGRAM IN THE OFFICE OF MINORITY BUSINESS ENTERPRISE
Adopted September 21, 1977

WHEREAS: the Office of Minority Business Enterprise is charged with the responsibility for assisting existing and potential minority business owners; and

WHEREAS: Indians do not benefit from OMBE's programs on an equal basis nationally; and

WHEREAS: Indian business ownership, both individual and tribal, is behind not only the population in general, but other disadvantaged groups as well; and

WHEREAS: Indians should have equal access to OMBE's programs to that of other disadvantaged groups; and

WHEREAS: the OMBE Indian Desk has a plan to extend business assistance to Indians on an equal basis; and

WHEREAS: OMBE shares in the Federal/Indian relationship and cannot fulfill its responsibility without a comprehensive national program with local service centers; now

THEREFORE, BE IT RESOLVED, that the National Congress of American Indians does hereby express its support for a national Indian program in the U.S. Department of Commerce, Office of Minority Business Enterprise.

RESERVATION DEVELOPMENT COMMITTEE

Policy Resolution No. 9
ENERGY RESOURCE DEVELOPMENT ON INDIAN LAND
Adopted September 21, 1977

WHEREAS: major deposits of coal, oil, gas, uranium and other mineral resources underlie American Indian reservations and other Indian-owned lands; and

WHEREAS: America is steadily approaching a dramatic and disasterous energy crisis; and

WHEREAS: the United States Congress has adopted a national Indian policy of tribal self-determination; and

WHEREAS: the Bureau of Indian Affairs has failed as trustees to recognize the right to tribes to control resource development and has failed to respond to tribal needs in resource management and development; and

WHEREAS: American Indian reservations are largely undeveloped, poverty-stricken and wracked by social ills of every kind;

NOW THEREFORE, BE IT RESOLVED, by the National Congress of American Indians that federal regulations confirm and facilitate the sovereign right of tribal control of natural resources; and

BE IT FURTHER RESOLVED, that the United States Congress appropriate sufficient funds for the education of American Indians in all technical areas related to the management of tribal energy and mineral resources; and

BE IT FURTHER RESOLVED, that the President of National Congress of American Indians and select a committee on Indian Resource Management to prepare a comprehensive report on all aspects of Indian Energy Resources for presentation at the 1978 National Congress of American Indians Convention.

RESERVATION DEVELOPMENT COMMITTEE

Policy Resolution No. 10
INDIAN DIVISION OF DEPARTMENT OF ENERGY
Adopted September 21, 1977

WHEREAS: the Department of Energy has determined to establish a permanent Indian division to assist Indian tribes in the management of Indian energy resources; and

WHEREAS: the Council of Energy Resource Tribes has determined to provide Indian tribal input from tribes directly involved in energy resource management; and

WHEREAS: the concerns of the Indian community require that the National Congress of American Indians and the National Tribal Chairmen's Association participate in Indian energy resource management;

NOW, THEREFORE, BE IT RESOLVED, that the Department of Energy immediately establish a fully-funded permanent Indian Division as a part of the Deputy Secretary's Office; and

BE IT FURTHER RESOLVED, that the Indian Division of the Department of Energy be required to coordinate with the Council of Energy Resource Tribes, the National Congress of American Indians, and National Tribal Chairmen's Association, and incorporate the will of the Indian community in establishing policies and objectives in the management of Indian natural resources.

RESERVATION DEVELOPMENT COMMITTEE

Policy Resolution No. 11
"BONDING MODEL" OF THE ASSOCIATED NATIVE AMERICAN CONTRACTORS
Adopted September 21, 1977

WHEREAS: the United States Congress has mandated specific legislation (P.L. 93-638) to stimulate economic development through Indian participation; and

WHEREAS: a majority of Indian construction firms have been denied bonding for construction projects funded by various federal agencies; and

WHEREAS: the congressional mandates for Indian preference and/or contracting of reservation construction projects have no legal impact on said bonding companies; and

WHEREAS: Indian construction firms are capable of stimulating the majority of reservation based economics through employment and economic development if provided an appropriate and feasible means for bonding; and

WHEREAS: the Associated Native American Contractors has constructed a bonding model document which provides a specific solution for the process of bonding Indian construction firms, which is endorsed for its feasibility and acceptability by major American bonding companies;

NOW THEREFORE, BE IT RESOLVED, that the National Congress of American Indians Convention of 1977 hereby endorses and supports the proposed "Bonding Model" of the Associated Native American Contractors and its efforts to secure federal assistance for implementation of said model.

RESERVATION DEVELOPMENT COMMITTEE

Policy Resolution No. 12
INDIAN ENERGY RESOURCE POLICY TASK FORCE
Adopted September 21, 1977

WHEREAS: the United States has undertaken by treaty, federal statutes and court decisions the solemn obligation to protect and preserve Indian energy resources; and

WHEREAS: federal trust responsibility requires the United States to recognize and support the rights of Indian tribes to control the management and development of Indian natural resources;

NOW, THEREFORE BE IT RESOLVED that a policy planning task force be immediately established at the White House level, comprised of representatives of the Council Energy Resource Tribes (CERT) to assist the President in establishing a national American Indian resource policy.

RESERVATION DEVELOPMENT COMMITTEE

Policy Resolution No. 13
H.R. 567, THE MINORITY ENTERPRISE ACT OF 1977
Adopted September 21, 1977

WHEREAS: H.R. 567 is a companion bill to H.R. 4960 (the Amendments to the Small Business Act of 1958) designed to increase the availability of capital for minority owned businesses; and

WHEREAS: H.R. 567 would increase the loan limits for potential Small Business Act loan applicants, and require that not less than 25% of all direct business concerns; and

WHEREAS: H.R. 567 would revamp the Small Business Act Section 8 (A) subcontracting program for the socially or economically disadvantaged, and impose percentage goals on certain federal contracts and subcontracts for the utilization of minority enterprise; and

WHEREAS: H.R. 567 would create A Commission on Federal Assistance to Minority Enterprise charged with the duty to develop methods to assist minority entrepreneurs and to evaluate both the Federal and private business efforts to promote minority business enterprise; and

WHEREAS: H.R. 567 has the deficiency that specific provisions are not made for Indian tribal enterprises or tribally chartered corporations in the place of state chartered corporations; now

THEREFORE, BE IT RESOLVED, that this National Congress of American Indians Convention of 1977 go on record in support of H.R. 567 with the following stipulations:

(1) That there be one or more Indians represented on the Commission on Federal Assistance to Minority Enterprises; and

(2) That H.R. 567 be modified to provide for Indian tribal enterprises on tribally chartered corporations as appropriate for the conduct of business by Indians.

RESERVATION DEVELOPMENT COMMITTEE

Policy Resolution No. 14
TRANSFER OF LAND TITLES TO ALASKA NATIVES
Adopted September 21, 1977

WHEREAS: the Alaska Native Claims Settlement Act of December 18, 1971, provides that approximately 44,000,000 acres of land be conveyed to Alaska Natives; and

WHEREAS: the transfer of said lands has not yet been accomplished; and

WHEREAS: the American Indian Policy Review Commission in its final report recommended that transfer of these lands be accomplished as soon as possible;

NOW, THEREFORE, BE IT RESOLVED, that the National Congress of American Indians support the recommendation of the American Indian Policy Review Commission, that the interim transfer of land be completed as soon as possible; and

BE IT FURTHER RESOLVED that such recommendation bear a deadline of December 31, 1978.

RESERVATION DEVELOPMENT COMMITTEE

Policy Resolution No. 15
STRIP MINING LEGISLATION
Adopted September 21, 1977

WHEREAS: the United States Congress has enacted strip mining legislation during the summer of 1977; and

WHEREAS: the legislation mandates interim regulations for coal strip mines located on Indian reservations, until such time as a study has been completed to determine the abilities of the tribes to assume the responsibilities of the Act and such study shall be the foundation of proposed legislation; and

WHEREAS: recent federal strip mining legislation has mandated this study to be completed by January 1, 1978; and

WHEREAS: the Council of Energy Resource Tribes is the most appropriate organization representing those tribes that would be effected by the study; and

WHEREAS: by Congressional definition, the study must involve the participation of the affected tribes;

NOW, THEREFORE BE IT RESOLVED, that the NCAI endorses a proposal of CERT to contract from the new office of Surface Mining and Reclamation. A study mandated by the enactment of federal strip mine legislation to determine the ability of tribes to assume the responsibilities of the Act.

RESERVATION DEVELOPMENT COMMITTEE

Policy Resolution No.16
INDIAN PROPERTY RIGHTS VS. BACKLASH
Adopted September 21, 1977

WHEREAS: the Indian rights are being recognized by Federal Courts, under treaties and other Federal laws dealing with such topics as fishing, hunting, natural resources and land claims, which are essentially property rights; and

WHEREAS: under the American Constitutional system, property rights are different from civil rights; and

WHEREAS: protection and respect of property rights are fundamental to the American system of justice;

NOW THEREFORE, BE IT RESOLVED, that the National Congress of American Indians calls upon the President, the Congress of the United States and all American citizens to respect Indian rights to property established by treaties and governed by tribal and federal law;

BE IT FURTHER RESOLVED, that the National Congress of American Indians calls upon the President, the Congress of the United States, and all American citizens to renounce efforts by special interest groups, who work to undermine Indian property rights by attacking the Indians' right to the peaceful enjoyment of their property as established by treaty agreements, and recognize that the attack on Indian property rights represent a threat to the indiviudal property rights of all Americans and our system of government under constitutional law.

RESERVATION DEVELOPMENT COMMITTEE

Policy Resolution No. 17
NATIONAL LANDOWNERS ASSOCIATION
Adopted September 21, 1977

WHEREAS: National Indian organizations that have been informed and have received Federal funding support include organizations such as the National Indian Cattlemen's Association and the National Indian Horsebreeders Association; and

WHEREAS: such organizations are comprised of members who are usually prime users of Indian land resources; and

WHEREAS: a truly blaanced program of fostering agri-business industries requires that an equitable system of guaranteeing a fair return for the use of Indian land be developed; and

THEREFORE, BE IT RESOLVED, that the National Congress of American Indians does herewith express its support for the development of a National Indian Landowners Association to be supported and funded by appropriate agencies such as the Bureau of Indian Affairs; Economic Development Administration; Department of Agriculture; Department of Justice and Indian Legal Services Corporation; and

BE IT FURTHER RESOLVED, that said organization be organized to insure the inclusion of traditionally-oriented tribal members from recognized groups, and the Affiliated Tribes of Northwest Indians.

RESERVATION DEVELOPMENT COMMITTEE

Policy Resolution No. 18
CREATE AN INDIAN DEVELOPMENT BANK
Adopted September 21, 1977

WHEREAS: 1974 Indian Financing Act has been inadequate to support/enhance any substantial long term economic development in Indian country, but rather has assisted the small, individual entrepreneur; and

WHEREAS: various Federal agencies such as the Small Business Administration, Economic Development Administration, Office of Minority Business Enterprise, Farmers Home Administration, the Department of Agriculture, and the Bureau of Indian Affairs do not have an interagency approach to economic development in Indian country; and

WHEREAS: the final report of the American Indian Policy Review Commission found all resources available to economic development in Indian country woefully lacking; and

WHEREAS: the Indian and minority rural community now has an opportunity to develop a new, innovative resource through CSA (Community Services Administration);

THEREFORE, BE IT RESOLVED, that the National Congress of American Indians hereby support the creation of an Indian Development Bank and that it support the efforts of the Indian representatives (2) on the National Rural Development Corporation (NRDC), a corporation of rural minorities to determine the use of the 46.0 million dollars in CSA; and

BE IT FURTHER RESOLVED, the National Rural Development Corporation, "determine the feasibility of the establishment of an Indian Development Bank to provide for the demand for capital in Indian country and at the same time recognize and compensate for tne unique requirements of lending in Indian country necessitated by the U.S. trust responsibility. A carefully considered development bank project may go a long way in reversing the existing dependency structure in Indian country, thereby reducing Federal transfers in the long run."

RESERVATION DEVELOPMENT COMMITTEE

Policy Resolution No. 19
ECONOMIC DEVELOPMENT ADMINISTRATION SUPPORT FOR TRIBES
Adopted September 21, 1977

WHEREAS: EDA relative to other federal agencies plays a major role in planning and development in Indian country; and

WHEREAS: the EDA Indian desk is an essential component in the process of making funds available from the Department of Commerce; and

WHEREAS: recent funding for planning, technical assistance, and public works grants have not reflected the increased need for development funding nor the increased relative importance of Indian natural resources and development programs to the future of the United States;

NOW, THEREFORE BE IT RESOLVED, that the National Congress of American Indians supports a United Indian Planners Association resolution calling for the following steps to be taken by the Department of Commerce:

1. Increase funding levels per tribe and develop a multi-year approach to planning grants.
2. Increase financial support for technical assistance programs.
3. Increase the Indian set-aside for Local Public Works and other capital construction funds at a minimum, 10% of the total funds allocated.
4. Facilitate, encourage, and financially support joint funding arrangements involving the various federal agencies.

RESERVATION DEVELOPMENT COMMITTEE

Policy Resolution No. 20
IMPROVING THE INDIAN FINANCE ACT
Adopted September 21, 1977

WHEREAS: The Indian Finance Act was established to meet the capital needs for a wide range of investment purposes in Indian country; and

WHEREAS: the limit of $50,000 in grant funds are not adequate to meet economic development needs; and

WHEREAS: the Act ignores the line of credit needs in the guaranty and grant programs; and

WHEREAS; the Act does not provide pre-loan/grant approval assistance and does not assure adequate follow-up assistance to assure profitability;

NOW THEREFORE BE IT RESOLVED that NCAI supports the intent of the Indian Finance Act;

BE IT FURTHER RESOLVED that NCAI expresly support the amendment of the Indian Finance Act to include:

1. An increase in the funds of the revolving loan fund
2. Create a specific act - aside in the revolving loan fund for tribal land acquisition
3. Establish a standby line of credit for tribes to purchase key tracts of land, which may otherwise be lost to the tribe during a loan application process; and
4. The loan guaranty program be extended to include lines of credit for tribes and enterprises who have been with private financial institutions.
5. Lines of credit be included as part of the 60% loan requirement.
6. Provisions for the purchase of lands outside the exterior boundaries of the reservation.
7. Regulations be amended to encourage profitability by establishing provisions whereby the BIA by contract will provide pre and post loan/grant technical assistance.
8. The limits for grants and loans be increased to sufficient levels to accomplish the legislative intent of Congress and at the minimum the limits for grants be increased to $100,000 for individuals and $200,000 for tribal and community owned enterprises.

RESERVATION DEVELOPMENT COMMITTEE

Policy Resolution No. 21
ECONOMIC DEVELOPMENT ADMINISTRATION
Adopted September 21, 1977

WHEREAS: EDA through its Indian Desk, a major resource for Indian Economic Development, and

WHEREAS: The General Accounting Office, the American Indian Policy Review Commission, the Bureau of Indian Affairs in conjunction with the Ford Foundation and the NCAI Reservation Development Committee have found EDA to be unresponsive to the development needs and priorities of Indian tribes; and

WHEREAS: Indian development is a complex problem requiring a high degree of flexibility, expertise and sensitivity not presently found to the degree necessary in EDA's Indian Desk; and

WHEREAS: The EDA Indian Desk is developing a "Hoover Syndrome" which inhibits open dialogue on Indian development issues which has resulted in numerous failures in industrial parks, tourism facilities and other pet projects of EDA:

BE IT THEREFORE RESOLVED, that NCAI calls for the resignation of EDA's Special Assistant for Indian Affairs; and

BE IT FURTHER RESOLVED, that the Carter Administration appoint a qualified American Indian to direct the EDA Indian DEsk; and

BE IT FURTHER RESOLVED, that the recommendations of the American Indian Policy Review Commission for improving EDA performance be implemented.

RESERVATION DEVELOPMENT COMMITTEE

Policy Resolution No. 22
DROUGHT RELIEF
Adopted September 21, 1977

WHEREAS: the recent appropriations by Congress for the drought relief program for this year has amounted to $375 million through the U.S. Department of Agriculture, Economic Development Administration and Bureau of Indian Affairs; and

WHEREAS: Indian reservations have been detrimentally effected by the drought situation; and

WHEREAS: Indian tribes are not encouraged to utilize such funds for drought relief by the agencies;

THEREFORE, BE IT RESOLVED, that the National Congress of American Indians request that if the drought relief program is continued for another consecutive year, an Indian office be established to coordinate the program requests on the Indian reservations; and

BE IT FURTHER RESOLVED, that Indian reservations receive a 10% set aside for their drought relief program.

RESERVATION DEVELOPMENT COMMITTEE

Policy Resolution No. 23
U.S. DEPARTMENT OF TRANSPORTATION ASSISTANCE TO AMERICAN INDIANS
Adopted September 21, 1977

WHEREAS: The legislation under which the U.S. Department of Transportation operates does not adequately address Indian reservations; and

WHEREAS: U.S. Department of Transportation programs and services have not been made available to Indian reservations; and

WHEREAS: the U.S. Department of Transportation has not expended funds sufficient to meet Indian transportation needs;

NOW, THEREFORE BE IT RESOLVED, that the National Congress of American Indians calls for the U.S. Department of Transportation to review, with Indian reservations, its legislation and regulations and with Indian reservation approval, rewrite its regulations and recommend to Congress the legislative changes needed to provide Indian eligibility for all Department of Transportation programs and provide for direct funding without the local matching share; and

BE IT FURTHER RESOLVED, that the National Congress of American Indians calls for the establishment of an Indian Desk within the U.S. Department of Transportation at the Assistant Secretary level with an Indian Assistant Secretary approved by Indian reservations and staffed by Indian personnel, along with its other duties for Indians, design grant assistance to meet the transportation needs of Indian reservations, notify tribes of grants and services available to them and to establish reasonable grant requirements from Indian grantees.

RESERVATION DEVELOPMENT COMMITTEE

Policy Resolution No. 24
DEPARTMENT AGRICULTURE AND FUNDING
Adopted September 21, 1977

WHEREAS: United States Department of Agriculture, Farmers' Home Administration has an annual appropriation of $10,000,000 for tribal land acquisition loans; and

WHEREAS: tribal needs far surpass the present budget of $10,000,000; and

WHEREAS: many tribal requests for land acquisition loans have been refused due to the limited budget;

NOW, THEREFORE, BE IT RESOLVED, that the National Congress of American Indians in session request the Secretary of Agriculture to increase the annual budget to meet the need of tribes.

RESERVATION DEVELOPMENT COMMITTEE

Policy Resolution No. 25
KEEP INDIAN PROGRAMS IN THE LAW ENFORCEMENT ASSISTANCE ADMINISTRATION
Adopted September 21, 1977

WHEREAS: the Administration is considering a transfer of Law Enforcement Assistance Administration (LEAA) Indian Programs to the Bureau of Indian Affairs (BIA) or to the Administration for Native Americans (ANA: formerly ONAP); and

WHEREAS: the BIA has failed to meet even the minimum standards of the President's Office of Management and Budget (OMB) for law enforcement, and has not yet been able to meet its trust responsibility to provide basic law enforcement for native villages and tribes, and thus would not be able to adequately manage additional criminal justice responsibilities; and

WHEREAS: LEAA Indian Programs supplement the wholly inadequate law enforcement activities of the BIA, reaching a total of 180 tribes including P.L. 280 native villages and tribes possessing concurrent jurisdiction relationships with their states, and also including off-reservation programs, while the BIA serves only 89 native villages and tribes; and

WHEREAS: LEAA Indian Programs offer more law enforcement program options (e.g., youth programs) than the BIA, and this program flexibility would be lost if LEAA Indian Programs were transferred tothe BIA; and

WEHREAS: the BIA would require a larger portion of the avialable funds for administrative costs, leaving fewer funds for programs than would LEAA;

WHEREAS: ANA lacks experience in law enforcement activity, and is also operating under a restricted personnel ceiling; and

WHEREAS: LEAA Indian Programs allow potential access by native villages and tribes to all LEAA technical resources, which are more comprehenisve than the BIA's law enforcement resources;

NOW, THEREFORE, BE IT RESOLVED, that the National Congress of American Indians urges the Justice Department to maintain a viable Indian Programs Division in LEAA; and

FURTHERMORE, BE IT RESOLVED, that the National Congress of American Indians urges the Administration, as it restructures LEAA, to recognize the unique political relationship between the federal government and native villages and tribes in such restructuring, and in the promulgation of the new rules and regulations.

RESERVATION DEVELOPMENT COMMITTEE

Policy Resolution No. 26

IMMEDIATE FY 78 SUPPLEMENTAL APPROPRIATIONS NEEDED FOR LEAA INDIAN PROGRAMS

Adopted September 21, 1977

WHEREAS: the Justice Department's 1975 Task Force on Indian Matters concluded that the major crime rate is 50% higher on reservations than in other rural areas, that the violent crime rate is eight times the rural rate, that the murder rate is three times the rural rate, and that the assault rate is nine times the rural rate; and

WHEREAS: LEAA Indian programs have been chronically underfunded; and

WHEREAS: the total FY '77 budget for LEAA was $753 million, while the FY '77 funding level for LEAA Indian Programs was $3.0 million;

WHEREAS: the total FY '78 budget for LEAA is $647 million, while the FY '78 planning level for LEAA Indian Programs is $1.8 million; and

WHEREAS: this totally unacceptable 40% funding reduction in Indian program funding will cut off funds to many existing projects, and virutally rule out any new ones; and

WHEREAS: LEAA Indian programs received viable FY '78 requests from native villages and tribes totalling $18.8 million;

NOW, THEREFORE, BE IT RESOLVED, that the National Congress of American Indians urges the 95th Congress to immediately pass a line item emergency LEAA Indian Programs FY '78 supplemental appropriations bill totalling $17 million;

FURTHERMORE, BE IT RESOLVED that the National Congress of American Indians urges Congress to increase the annual appropriation levels for a specific LEAA Indian Programs line item in the amounts necessary to provide adequate Indian law enforcement programs.

RESERVATION DEVELOPMENT COMMITTEE

Policy Resolution No. 27

STRENGTHEN LEAA INDIAN PROGRAM STAFF: ESTABLISH AN LEAA INDIAN ADVISORY COUNCIL

Adopted September 21, 1977

WHEREAS: the Law Enforcement Assistance Administration (LEAA) Indian Program professional staffing level is at one person; and

WHEREAS: LEAA has abolished the ten regional offices, thereby reducing staff resources working on Indian programs; and

WHEREAS: funding levels for LEAA Indian Programs are decreasing at disproportionate rates; and

WHEREAS: native village and tribal law enforcement officials have not been adequately informed about the technical and funding resources available from LEAA; and

WHEREAS: the Indian Program's discretionary authority over funding allocation determinations tends to allow arbitrary decisions without any specific priority guidelines nor native village or tribal input; and

WHEREAS: most state planning agencies receiving LEAA block grants ignore native villages and tribes in funding allocation determinations, and provide little if any technical or planning assistance;

THEREFORE, BE IT RESOLVED, that the National Congress of American Indians urges LEAA to substantially increase professional staff levels in the LEAA Indian Programs division, and to elevate the Indian Programs division to a special level department in the LEAA Administrator's Office;

FURTHERMORE, BE IT RESOLVED, that the National Congress of American Indians urges LEAA to allow for and encourage an Indian Program administrator to be a strong and vocal advocate within LEAA for increased Indian Programs funding levels, to provide native village and tribal governing bodies with information on all the technical and funding resources available from LEAA, and to exercise vigorous leadership in effecting policy which is sensitive to tribal self-determination and which respects and enhances tribal jurisdiction; and

FURTHERMORE, BE IT RESOLVED that the National Congress of American Indians urges LEAA to immediately establish an Indian Advisory Council or similar body, which will rpovide direct operations oversight and general policy input to the LEAA Administrator with respect to funding levels, funding allocation decisions, and state planning agency sensitivity to native villages and tribes, which is comprised of Indian members representing the nine NCAI regions, and that Indian Program funds not be used to fund the activities of such council.

RESERVATION DEVELOPMENT COMMITTEE

Policy Resolution No. 28
PROGRAMMATIC CHANGES NEEDED IN LEAA INDIAN PROGRAMS
Adopted September 21, 1977

WHEREAS: the Law Enforcement Assistance Administration (LEAA) is primarily urban oriented; and

WHEREAS: the needs of rural areas are distinctly different from urban areas, yet LEAA Indian Programs have been operating under rules and regulations designed for urban areas; and

WHEREAS: native villages and tribes are self-governing entities which generally have the greatest law enforcement needs of all units of government requesting LEAA funds; and

WHEREAS: all units of government utilize non-local funding for law enforcement programs, yet native villages and tribes have not received funding sufficient to meet minimum law enforcement needs; and

WHEREAS: an adequately comprehensive assessment of Indian law enforcemnt needs has never been performed; and

WHEREAS: current Indian law enforcement statistics compiled by the Bureau of Indian Affairs (BIA) and utilized by LEAA are based upon inaccurate data, and the information available to native villages and tribes from the BIA law enforcement data bank is often useless; and

WHEREAS: the LEAA maximum annual funding cieling of $300,000 per native village or tribe severely restricts the development of substantial law enforcement projects; and

WHEREAS: the LEAA three year funding cycle limitation is artibrary and inflexible; and

WHEREAS: the complicated LEAA grant proposal guidelines and reporting processes place a severe hardship on the limited resources of native villages and tribes; and

WHEREAS: the original language in the enabling Act of LEAA limited LEAA programs to those characterized as "innovative";

NOW, THEREFORE, BE IT RESOLVED, that the National Congress of American Indians urge LEAA to determine funding allocations on a needs rather than a per capita basis, to recognize native villages and tribes as viable units of government, to establish direct block granting procedures with native villages and tribes, to perform an adequate survey of the law enforcement needs of native villates and tribes, to work with the BIA in developing an up-to-date, accurate, and useful law enforcement data bank, to raise the maximum annual funding ceiling to $500,000 per native village or tribe, to abolish the three year funding cycle limitation, and to establish understandable guidelines and procedures regulating LEAA Indian Program grants; and

FURHTERMORE, BE IT RESOLVED, that the National Congress of American Indians urges LEAA to structure the Indian Program to recognize that starting up law enforcement systems and bringing existing systems up to minimum standards are higher priorities with native villages and tribes than the creation of "innovative" programs.

RESERVATION DEVELOPMENT COMMITTEE

Policy Resolution No. 29
FISHING RIGHTS
Adopted September 21, 1977

WHEREAS: Indian tribal sovereignty perserved by treaties has been made the supreme law of the land in the United States Constitution; and

WHEREAS: the treaty-guaranteed fishing rights of Washington State Indian Tribes have been confirmed in United States v. Washington (the Boldt case); and

WHEREAS: rising conflicts in Washington between Indian and non-Indian fishermen, the state and the Federal Government have resulted in appointment of the Presidential Task Force and their representatives called the Regional Task Force to represent the United States in the controversy; and

WHEREAS: recent actions of the Regional Task Force in suggesting fish allocation have been made without either the consultation or consent of the Washington state Indian tribes;

NOW, THEREFORE, BE IT RESOLVED, by the National Congress of American Indians in convention assembled that the Regional Task Force recognize that its primary duty is to exercise the trust responsibility of the United States in effecting and facilitating the treaty-guraranteed fishing rights of Washington state Indian tribes; and

BE IT FURTHER RESOLVED, that the National Congress of American Indians supports the legal position of the affected Washington state Indian tribes as follows:

1. The Regional Task Force must make clear to the state of Washington that unless the state develops the legal capability to implement treaty fishing rights as defined by the Boldt decision, the Federal Government will continue to regulate the fishing industry in Washington state.
2. The Regional Task Force will notify the Northwest Indian Fisheries Commission, the Federal Court, and the tribes affected of all its proposed recommendations not less than ten days prior to making such recommendations.
3. The Regional Task Force will release all funds and approve all biologically sound contracts with Indian tribes for enhancement and management of the fish resource.
4. The Regional Task Force will recommend to appropriate federal agencies that adequate funds be made available to educate the public regarding federal implementation of treaty-guaranteed fishing rights.

LEGISLATION COMMITTEE

Policy Resolution No. 1
SUPPORT FOR H.R. 4089 - FEDERAL TAX EXEMPTION FOR INDIAN TRIBES
Adopted September 22, 1977

WHEREAS: H.R. 4089, the Tribal Governmental Tax Status Act, provides that Indian tribal governments shall be treated as other units of government with respect to certain federal tax provisions; and

WHEREAS: H.R. 4089 proposes that in order for tribes to be leigible under the bill they must perform substantial governmental functions; and

WHEREAS: H.R. 4089 provides, as to eligible tribes, among other things,

a) that a person may claim federal income tax credit for contributions to candidates for tribal offices

b) that interest earned on long-term obligations issued by tribes shall be exempt from income tax

c) that taxes paid to a tribal government may be deducted from federal income tax

d) that charitable contributions to tribal governments can be deducted for federal income, estate, and gift tax purposes, and

e) that tribal goverments are exempt from a variety of federal excise taxes, including communications, retailer, and manufactureres taxes; and

WHEREAS: these tax benefits and treatments are vital to the orderly, expeditious economic development of tribal human and economic resources; and

WHEREAS: elementary justice dictates that Indian tribal governments should be treated as non-Indian units of governments in this regard; and

WHEREAS: while the Internal Revenue Service may not agree, Indian tribes already have a right under existing law to these federal tax credits and exemptions;

NOW THEREFORE BE IT RESOLVED, by the National Congress of American Indians that the NCAI strongly supports the enactment of H.R. 4089 into law; and

BE IT FURTHER RESOLVED, that the officers and employees of the NCAI be directed to take all necessary steps to secure enactment of H.R. 4089 and that this resolution be brought to the attention of the appropriate committees of the Congress and appropriate offices of the Executive Branch.

LEGISLATION COMMITTEE

Policy Resolution No. 2
S. 2046, A BILL TO CONSOLIDATE ALASKAN NATIVE TRIBES
Adopted September 22, 1977

WHEREAS: a stated purpose of P.L. 93-638, the Indian Self-Determination and Education Assistance Act, is to provide for increasing Indian and Alaska Native control of federal programs designed to benefit them; and

WHEREAS: the Area Director's implementation of P.L. 93-638 has stymied the goal of Indian self-determination in Alaska; and

WHEREAS: because P.L. 93-638 effectively recognizes about 500 Indian tribes in Alaska, including the village and regional corporations created pursuant to the Alaska Native Claims Settlement Act, it has effectively allowed the BIA Area Director considreable discretion to determine what group is an Indian tribe in Alaska and who may contract and receive grants under P.L. 93-638; and

WHEREAS: this BIA policy of implementing P.L. 93-638 has increased, rather than decreased, the power of the BIA over Alaska Native Affairs; and

WHEREAS: this BIA policy has been accomplished through the tribal consent provision of P.L. 93-638, whereby the Area Director has determined that in order for a regional association to contract as a tribe it must receive the affirmative consent of each and every eligible Indian tribe within its jurisdiction; and

page 36 blank.

WHEREAS: this has created an onerous and large financial burder on Alaska Native regional associations who wish to contract or receive grants; and

WHEREAS: all parties, including the BIA, agree that it will be impossible to implement P.L. 93-638 for 500 eligible entities in Alaska; and

WHEREAS: regardless of BIA intent, its policy of emplementing P.L. 93-638 in Alaska has and will continue to undermine the political authority of Alaska Native tribes; and

WHEREAS: as a consequence of this BIA policy, the Alaska Natives have proposed legislation which would clarify who is an Indian tribe in Alaska for the purposes of the implementation of P.L. 93-638 and all other federal legislation which benefits Alaska Natives; and

WHEREAS: S. 2046 would allow a process to create Alaska Native Regional tribes, at their option, with the same legal standing as tribes in the 48 states; and

WHEREAS: the bill provides adequate provisions to continue recognition of existing reservtions and jurisdictional acts in Alaska.

THEREFORE BE IT RESOLVED, that the National Congress of American Indians supports the concepts contained in S.2046 and recommends that it be one of the priorities of the Senate Select Committee on Indian Affairs during the remainder of the 95th Congress.

LEGISLATION COMMITTEE

Policy Resolution No.3
FEDERAL INDIAN PROGRAM ACCOUNTABILITY
Adopted September 22, 1977

WHEREAS: Accurate, thorough and organized information about Indian matters, such as treaties, agreements, Executive Orders and timely statistics relating to Indian land, population, government, health, welfare, education and housing, is not easily available or made public by the federal government on a regular basis; and

WHEREAS: the American Indian Policy Review Commission recommended a comprehensive, annual report on the above and other matters, relating to Indians to be published for Congress and Indian people by the agency specifically responsible for Indian affairs;

NOW BE IT RESOLVED that the National Congress of American Indians supports enactment of legislation requiring the Secretary of the Interior and the Assistant Secretary for Indian Affairs to collect, analyze, verify and organize all information relevant to their service to the Indian people throughout the entire United States and requiring that the Secretary and the Assistant Secretary publish this information each year to Congress and the Indian community.

LEGISLATION COMMITTEE

Policy Resolution No.4
ON THE REVISION OF TITLE 25 OF THE UNITED STATES CODE
Adopted September 22, 1977

WHEREAS: Title 25 of the United States Code is disorganized and contains laws which are obsolete, inconsistent, duplicative, unclear and in conflict with current federal policy; and

WHEREAS: this confused state of the law and the disorganization of Title 25 has cuased uncertainty among Indian people, federal agencies, lawyers, and the courts; and has impeded the orderly development of Indian law; and

WHEREAS: this uncertainty has resulted in thousands of unnecessary administrative and legal disputes and, consequently, Indian people have been denied their legal rights and forced to pursue costly ligigation, resulting in excessive and unnecessary expenditure of thousands of hours every year by the Indian people, federal agencies, tribal attorneys and judges; and

WHEREAS: Task Force Number Nine of the American Indian Policy Reivew Commission has substantially revised, consolidated and developed a new, concise codification of Title 25 of the U.S. Code; and

WHEREAS: the Senate Select Committee on Indian Affairs is further revising Title 25 for purposes of enacting it into law;

NOW THEREFORE, BE IT RESOLVED, by the National Congress of American Indians in General Assembly that the NCAI strongly supports as a matter of highest priority the enactment of a revised and consolidated Title 25 of the U.S. Code.

LEGISLATION COMMITTEE

Policy Resolution No.5
AMENDMENT ON P.L. 93-638
Adopted September 22, 1977

WEHREAS: The Indian Self-Determination and Education Assistance Act (P.L. 93-638) was passed by Congress for the purpose of facilitating transfer of control over Bureau of Indian Affairs and Indian Health Services to Indian tribes and tribal organizations through the contract process;

WHEREAS: A corallory purpose of P.L. 93-638 was to bring about a basic change in the organization and structure of the Bureau of Indian Affairs and Indian Health Services in their relations with Indian tribes; and

WEHREAS: Oversight hearings before the Senate Select Committee revealed that Indian tribes have encountered serious difficulties in the implementation of 93-638 in the following areas. (1) The process of contracting has discouraged Indian tribes from assuming control over Bureau of Indian Affairs and Indian Health Services because of the inordinate amount of bureaucratic forms and red tape associated with contracting.

(2) The Self-Determination Act has resulted in only minimal change in the organization and structure of the Bureau of Indian Affairs and Indian Health Services but rather, the charges are constantly made that the Bureau of Indian Affairs has attempted to make P.L. 93-638 simply another Bureau of Indian Affairs program.

(3) A consistent lack of flexibility in the type of services which are available for contracting and the nature of the services that are subject to contracts have proved to be seriously limiting.

(4) The funding levels identified as available for contracting are too often less than the Bureau of Indian Affairs' own levels and tribes are penalized with costs associated with contracting.

WHEREAS: Amending P.L. 93-638 to provide for a system of consolidated block grants in lieu of contracts for each individual Bureau of Indian Affairs or Indian Health Service program along with a restriction on administrative review and interference, and providing for a method of lump sum prepayment to each tribe at the beginning of each service year in lieu of the letter of credit reimbursement system would greatly alleviate many of the administrative and budgetary difficulties in the 638 contracting process; and

WHEREAS: Integration of other Federal Domestic Assistance Program grants with BIA-IHS would greatly expand Indian tribes' access to very helpful government programs.

THEREFORE BE IT RESOLVED the National Congress calls upon the Congress to expedite amendment of P.L. 93-638 to authorize a change from a contracting system to consolidated block grants.

LEGISLATION COMMITTEE

Policy Resolution No.6
CONGRESSIONAL COMMITTEE STRUCTURE
Adopted September 22, 1977

WHEREAS: The federal government, including the Congress, has a clear and undebatable trust relationship with the American Indian people, requiring the highest degree of care in the exercise of that federal fiduciary duty; and

WHEREAS: for the Congress to adequately assist Indians in the legislative process there must be the proper committee structure within the Senate and the House; and

WHEREAS: the Senate Select Committee on Indian Affairs expires with the adjournment of the 95th Congress; and

WHEREAS: the House Subcommittee on Indian Affairs and Public Lands is understaffed, with regard to Indian Affairs, and is subject to jurisdictional conflicts; and

WHEREAS: the Senate Committee on Human Resources and the Committee on Eneregy and Natural Resources will also be subject to jurisdictional conflicts of interest and lack of adequately trained staff necessary to deal with Indian Affiars, and these Committees will undoubtedly devote most of their attention and time to the national issues of energy and human resources; and

WHEREAS: the diversity and complexity of Indian Affairs requires the attention of standing committees; and

WHEREAS: past experience demonstrates that when the combining of Indian legislative matters with those of competing and conflicting interests occurs, the Indian interest proposals have been subordinated, the trust relationship has been altered and the enacted legislation has served to create devastating policies opposed to the Indian interest; and

WHEREAS: the American Indian Policy Review Commission has strongly recommended the establishment of standing committees on Indian Affairs in the House and in the Senate, or in the alternative a joint House-Senate Committee on Indian Affairs; now

THEREFORE BE IT RESOLVED that the 1977 Convention of the National Congress of American Indians establishes as one of its major priorities to do all in its power to fight for the implementation of standing committees on Indian Affairs in both the United States Senate and House of Representatives, or in the alternative, a joint House-Senate Committee on Indian Affairs.

LEGISLATION COMMITTEE

Policy Resolution No. 7
FEDERAL REORGANIZATION
Adopted September 22, 1977

WHEREAS: In 1975 and again in 1976, by resolution the NCAI called for restablishment of a separate independent department or agency for the administrations of Indian Affairs as the only ultimate solution to the conflict of interest; and the need for all federal agencies to file a trust impact statement prior to taking agency action affecting Indian trust rights; and

WHEREAS: the American Indian Policy Review Commission's final report also recommends the establishment of a separate Indian agency as well as the establishment of a central coordinating authority for all federal Indian programs; and

WHEREAS: the American Indian Policy Review Commission's report also calls for branch changes in the organization of the B.I.A. along the lines set forth in the B.I.A. management study; and

WHEREAS: the Secretary of Interior has stated for the record that his administration will support the establishment of an Independent Agency if the Indian people indicate that that is their choice; and

WHEREAS: the President's Reorganization Task Force is presently engaged in a comprehensive review of federal administration;

THEREFORE BE IT RESOLVED, the NCAI reaffirms its support for:

(1) the establishment of an Independent Indian Agency

(2) the creation of an Indian Trust Rights impact statement requirement for all federal agencies

(3) the reorganization of the B.I.A. consistent with the recommendation of the American Indian Policy Review Commission Management Study

(4) the identification and establishment of a central coordination authority for all federal Indian programs

BE IT FURTHER RESOLVED, that the NCAI executive committee should meet as soon as possible with key representatives of the President's Reorganization Task Force and communicate first hand these important federal reorganization positions.

LEGISLATION COMMITTEE

Policy Resolution No. 8
TRIBAL PARTICIPATION IN F.D.A.P.
Adopted September 22, 1977

WHEREAS: Indian tribes are distinct political units of government and have a special relationship with the federal government; and

WHEREAS: the Congress of the United States has adopted the policy of assisting and promoting Indian tribes in economic and social development and self-determination; and

WHEREAS: the United States Congress has enacted a multitude of federal statutes which authorize over 700 Federal Domestic Assistance Programs administered by numerous federal agencies to provide social, economic, and technical assistance to State and local units and sub-divisions of government, through contracts and grants; and

WHEREAS: Indian tribes have been deemed ineligible for a number of said programs because of Congressional oversight in failing to specifically include Indian tribes as eligible units of government; and

WHEREAS: various agencies have imposed restrictive administrative requirements and regulations on the programs they administer which fail to take into consideration the special circumstances and relationship of Indian tribes to the Federal government and which results in tribes being ineligible for various programs as a practical matter; and

WHEREAS: many programs ignore the status of Indian tribes as units of government totally separate from the State governments by funding tribes through state agencies or pursuant to state plans as opposed to direct funding to tribal governments; and

WHEREAS: such programs such as LEAA, numerous HEW, and Community Services Administration programs and others are channeled through the States and subject Indian tribes to state control and jurisdiction and make Indian tribes dependent upon the good will of the states in order to obtain a fair share of the program's funds, which good will and cooperation is often lacking; and

WHEREAS: there is inadequate dissemination and access to information by Indian tribes concerning the availability of program, eligibility requirements, opening and closing dates, agency contact personnel and other vital program and procedural information resulting in low levels of participation by Indian tribes in Federal Domestic Assistance Programs; and

WHEREAS: in other cases state agencies have consistently used Indian population and land figures to justify federal programs without providing for tribal

THEREFORE BE IT RESOLVED, that the National Congress of American Indians hereby identifies to the following as major priorities:

1. The Congressional enactment of a general rule of statutory construction which would automatically make Indian tribes eligible units of government for purposes of all federal domestic assistance legislation, or, in the alternative, specific amendment to each authorizing statute;

2. The administrative and/or statutory clarification and policy implementation that Indian tribes are separate and distinct governmental units and, as such, should be directly funded by those federal agencies which now channel funding through state agencies or pursuant to state plans;

3. Immediate implementation by the Assistant Secretary for Indian Affaris of the recommendations to the FIDAP Study - 1977 done by the American Indian Law Center to insure that Indian tribes are thoroughly informed of all the Federal Domestic Assistance Programs which are available to them with other relevant program information;

4. The Congressional enactment of legislation designating the Assistant Secretary for Indian Affairs as the lead federal official in coordinating and formulating a consistent federal policy with regard to tribal eligibility and participation in Federal Domestic Assistance Programs in all Federal agencies and that he be further empowered to order the waiver or modification of those administrative or regulatory requirements of any federal agency which unnecessarily impair tribal participation in various programs;

5. Active coordination and assistance of tribes of joint funding projects by the Assistant Secretary for Indian Affairs;

6. Legislative empowerment of the "lead agency" designated pursuant to a joint funding project to waive or modify those adminsitrative or regulatory requirements which unnecessarily impair tribal participation in various programs or which unnecessarily impede the joint funding project itself.

7. Where Indian population and land figures, and such other data are used as justifications for federal programs and grants, Indian tribes, by law, should be provided corresponding rights of participation and/or control over such programs and grants.

EDUCATION COMMITTEE

Policy Resolution No. 1
TITLE III - DEVELOPING INSTITUTIONS
Adopted September 20, 1977

WHEREAS: Title III of the Higher Education Act of 1965, as amended, is a major impetus in strengthening "developing institutions" of higher education; and

WHEREAS: tribally controlled community colleges serving various American Indian and Alaskan Natives are accurately classified as developing institutions; and

WHEREAS: the developmental needs of such American Indian and Alaskan Native colleges are not being adequately met by current Title III funding levels; and

WHEREAS: the National Congress of American Indians is vitally concerned that federal institutional assistance toward the improvement of tribally controlled community colleges be strengthened and expanded.

THEREFORE, BE IT RESOLVED: that the National Congress of American Indians does hereby recognized and support the need for a larger Title III appropriations level for all developing institutions up to the current authorized level of 120 million dollars.

BE IT FURTHER RESOLVED THAT: that the National Congress of American Indians recommends that steps be taken to facilitate an amendment to Title III which would expand and improve Title III assistance to American Indian and Alaskan Native colleges.

BE IT FURTHER RESOLVED THAT: such expansion and improvement of Title III assistance include a larger share of the total annual appropriations under Title III; assurance of American Indian and Alaskan Native input in the Title III funding and proposal review process; and assurance that more adequate monitoring and evaluation of American Indian and Alaskan Native Title III projects be implemented with the involvement of American Indians and Alaskan Natives.

EDUCATION COMMITTEE

Policy Resolution No. 2
RECOGNITION OF THE NATIONAL AMERICAN INDIAN TASK FORCE FOR VOCATIONAL EDUCATION
Adopted September 20, 1977

WHEREAS: The National American Indian Task Force for Vocational Education was formed by mandated action of over 200 leaders in Indian vocational education on June 30, 1977; and

WHEREAS: the purpose of the National American Indian Task Force for Vocational Education are:

1. the transmission of relevant, accurate data; information: ideas, and concerns relative to vocational education from the Indian community to policy-makers, administrators and legislators;

2. better coordination among information sources, programs, and agencies relative to Indian vocational education, comprehensively viewed;

3. better, more forcefully articulated statements of Indian values and positions relative to human and natural resource development through vocational education;

4. increased and continous attention to be given to theory, research, and implementation results and to revision and refinement of "work" and "vocational education" from the American Indian point of view; and

5. inproved and expanded dissemination of information, ideas, and knowledge of legislation, programs in existence, and results of affective dimensions among those persons, groups and institutions specifically interested in various aspects of Indian vocational education, and

WHEREAS: the National American Indian Task Force for Vocational Education is seeking the support and approbation of appropriate and important groups and organizations concerned with Indian education with regard to the concept and purposes of the Task Force,

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THEREFORE, BE IT RESOLVED THAT: the National Congress of American Indians hereby supports the American Indian Task Force on Vocational Education's request for proference or recognition.

BE IT FURTHER RESOLVED THAT: NCAI directs the Task Force to work iwth NIEA in the planning and development of vocational education programs for Indian tribes.

EDUCATION COMMITTEE

Policy Resolution No. 3
HIGHER EDUCATION AND GRANT PROGRAMS
Adopted September 20, 1977

WHEREAS: The Office of Management and Budget has directed the Department of Interior/Bureau of Indian Affairs to place the Higher Education Scholarship program on an entitlement formula and to require that Indian applicants first receive financial aid determination from OE sources through Financial Aid Officers before applying in the Bureau for BIA funds; and

WHEREAS: the Bureau of Indian Affairs is in the process of developing rules and reuglations to implement this OMB Directive; and

WHEREAS: Indian tribes and Indian organizations have not been consulted with regarding this education policy directive as mandated under P.L. 93-638; and

WHEREAS: Indian tribes and Indian organizations hold that the Federal Government has the responsibility to provide full funding for Indians to pursue higher education opportunities; and

WHEREAS: the granting of citizenship to Indians does not terminate the special relationship between Indians and the Federal Government; and

WHEREAS: this OMB Directive appears to set a dangerous precedent of transferring the responsibility for funding of Indian students for higher education to DHEW/OE; and

WHEREAS: the Assistant Secretary for Indian Affairs Designate has not had the opportunity to express the new Administration's position regarding this OMB Policy Directive; and

WHEREAS: the Assistant Secretary for Indian Affairs states in his statement before the Senate Select Committee on Indian Affairs on September 9, 1977, that he would act as advocate for Indian people.

THEREFORE, BE IT RESOLVED THAT: the National Congress of American Indians requests the Secretary of Interior and Assistant Secretary for Indian Affairs to delay action on the proposed higher education grant rules and regulations until Indian tribes have been adequately consulted with on this matter.

BE IT FURTHER RESOLVED, that the Assistant Secretary for Indian Affairs be requested to develop and implement a comprehensive consultation process with Indian tribes and National Indian organizations before any further action is taken to implement the OMB Directive.

EDUCATION COMMITTEE

Policy Resolution No. 4
TITLE IV CONTINUATION & APPROPRIATION
Adopted September 20, 1977

WHEREAS: The Indian Education Concerns Committee recommended the extension of P.L. 92-318, Title IV, IEA 1972; and

WHEREAS: Title IV has proved to be beneficial to American Indian children; and

WHEREAS: Title IV has not had a sufficient amount of funds or time to fully meet the special educational needs of American Indian children

THEREFORE, BE IT RESOLVED THAT: the 34th Annual Convention of the National Congress of American Indians held in Dallas, Texas strongly recommend to the U.S. Congress that P.L. 92-318 be renewed for a peeiod of not less than 5 years from the date of expiration in 1978.

BE IT FURTHER RESOLVED THAT: the National Congress of American Indians recommend to Congress that the funding level of Title IV be not less than 50% of the total originally authorized for Title IV. The annual level of appropriation would be 277.6 million. The distribution of these appropriations would be as follows:

1.	Part A-	250.00 m.
2.	Part B-	17.50 m.
3.	Part C-	4.00 m.
4.	Part E- ($660,000 for NACIE) $300,000 TA	2.60 m.
5.	Part F- Teacher Training	2.00 m.
6.	Part G- Fellowship	1.50 m.
		277.60 m.

EDUCATION COMMITTEE

Policy Resolution No. 5
TITLE IV LEGISLATIVE AMENDMENTS, RULES & REGULATIONS
Adopted September 20, 1977

WHEREAS: The Indian Education Concerns Committee of the National Congress of American Indians has received recommendations from tribal groups and communities for possible revisions to the rules and regulations of P.L. 92-318, Title IV, Indian Education Act 1972; and

WHEREAS: the Indian Education Concerns Committee feels that further review is needed of the possible revisions prior to submission to the U.S. Office of Education.

BE IT FURTHER RESOLVED THAT: the 34th Convention of the National Congress of American Indians direct the staff to institute a review and evaluation of the recommended changes to the Title IV recommendations; and

BE IT FURTHER RESOLVED THAT: appropriate changes be forwarded to the U.S. Office of Education and to appropriate Congressional Committees.

BE IT FURTHER RESOLVED THAT: the NCAI staff will submit to the NCAI membership the results of the submission of the recommendations.

EDUCATION COMMITTEE

Policy Resolution No. 6
AMERICAN INDIAN/ALASKA NATIVE BILINGUAL EDUCATION
Adopted September 20, 1977

WHEREAS: American Indians/Alaskan Natives have qualified for participation in bilingual programs under Title VII, ESEA; and

WHEREAS: a total of $135 million dollars were appropriated under the said Act during Fiscal year 1977; and

WHEREAS: of the said total appropriated only $3.25 million or 2.5% was allocated to American Indian language development programs; and

WHEREAS: many American Indian Tribes and Alaskan Natives have been determined to be ineligible to participate in Title VII, ESEA for a variety of reasons; and

WHEREAS: the main constraint that prevents many American Indians/Alaskan Natives from participation in the bilingual programs under said Act, is that language maintenance and development are not encouraged; and

WHEREAS: only special and limited bilingual education programs are being sponsored through the Bureau of Indian Affairs and the Indian Education Act; and

WHEREAS: other funding sources have tendencies to ignore American Indian/Alaskan Native bilingual education needs; and

WHEREAS: many American Indian and Alaskan Natives desire to retain, maintain, restore, and develop their native languages, loss of which will only accelerate the deterioration of the social and cultural life of American Indians and Alaskan Natives leading to serious educational implications such as drop-outs and low achievement among others; and

WHEREAS: past Federal policies of forced assimilation, including the destruction of languages and cultural life of American Indians and Alaskan Natives have caused poor educational achievement and other disadvantages; and

WHEREAS: language is important to American Indians and Alaskan Natives in maintaining social stability, self-identity, and cultural integrity.

THEREFORE BE IT RESOLVED: that NCAI strongly recommend that the Senate Select Committee introduce legislation in the United States Congress to provide financial support for American Indians and Alaskan Native language development, restoration, renewal, retention and revitalization; and

BE IT FURTHER RESOLVED: that NCAI establish a working committee to assist the Senate Select Committee in development of said legislation and that the working committee will then provide a progress report at the next scheduled NCAI Executive Council meeting.

EDUCATION COMMITTEE

Policy Resolution No. 7
NCAI EDUCATIONAL CONCERNS
Adopted September 22, 1977

WHEREAS: The National Congress of American Indians is a National Association which represents the Indian community munity at the National level before The Administration and The Congress; and

WHEREAS: the National Congress of American Indians has in the past devoted substantial portions of its energies to educational concerns; and

WHEREAS: the positions of the Indian people on these educational concerns, especially at this moment in history, must be represented in a forceful and effective manner to both The Administration and The Congress; and

WHEREAS: the staff of the National Congress of American Indians, through diligence and effort, has established an effective voice within both the Administration and Congress; and

WHEREAS: the staff of the National Congress of American Indians, through this activity, has not only rendered an invaluable service to the Indian peoples, but has also given information and aid to Administrative Agencies and Congressional committees; and

WHEREAS: the Bureau of Indian Affairs has in the past supported, through contract and for services rendered, positions on the staff of NCAI; and

WHEREAS: the Bureau of Indian Affairs has stated their indecision whether or not to fund these contracts; and

WHEREAS: such action on the part of the Bureau will result in these positions being terminated; and

WHEREAS: such position terminations will do irreparable damage to the cause of Indian education, in direct contravention of the Bureau's mandated trust and advocacy responsibility.

THEREFORE, BE IT RESOLVED, that the General Session of the National Congress of American Indians request that the Assistant Secretary of the Bureau of Indian Affairs immediately take such steps as are necessary to ensure that all funding relative to these positions will continue at no less than their present level.

EDUCATION COMMITTEE

Policy Resolution No. 8
TRIBALLY CONTROLLED COLLEGES
Adopted September 22, 1977

WHEREAS: there exists a demonstrated need for higher education services to be delivered on Indian reservations as an alternative to Indian people being forced to leave the reservation to acquire higher education; and

WHEREAS: there is clear agreement among the Congress, the National Indian organizations, the tribes, and Indian people that such services be subject to local control; and

WHEREAS: a major problem in the delivery of these and other services on Indian reservations has been caused by conflicting and arbitrary Federal requirements entailing the creation by the tribes of public agencies, non-profit corporations, governing or advisory boards, and other institutions foreign to our traditional forms of Government, such requirements have made it very difficult for tribes to develop efficient and effective management and delivery mechanisms which fit into tribal concepts of government; and

WHEREAS: while the Indian tribes themselves recognize the need for the creation of sophisticated management and delivery systems for reservation programs, which may lead to the creation of special purpose public or private agencies; they also recognize that there are a wide range of options which can be used by tribal governments to balance the need for coordination of programs with the need for individually tailored delivery systems, including careful delination of authorities and responsibilities of the public and private agencies and organizations created by the tribes specific reporting and coordination requirements for these institutions, creation of a tribal planning coordination mechanism supplemented by the authority of OMB Circular A-95, and other mechanisms which fit the particular organization of each tribe; and

WHEREAS: legislation H.R. 9158 & S. 1215, is pending in both Houses of Congress "to provide for grants to tribally controlled community colleges; and

WHEREAS: the National Congress of American Indians has received indications from congressional staff will aid NCAI and other tribal organizations in the formulation and advocacy of amendments to present and future categorical aid programs which will make these programs available to Indian tribes in an expedient manner.

NOW, THEREFORE, BE IT RESOLVED, that the National Congress of American Indians strongly urges and supports federal assistance to reservation-based and tribally controlled higher education programs; and

BE IT FURTHER RESOLVED, that the National Congress of American Indians strongly supports tribal efforts to create community colleges as a vehicle for the delivery of higher education services and recognizes the importance of the stability of these tribal institutions; and

BE IT FURTHER RESOLVED, that the following statement of policy shall be the position of NCAI;

> While the National Congress of American Indians supports tribal institutions, NCAI urges the U.S. Congress to make assistance available to all tribal higher education programs whether or not the tribe has chosen to utilize a separately chartered or approved institution of higher education such as community colleges. Funding for post-secondary education institutions upon the request of the tribe shall go to the tribe or to any tribally chartered division of government or to a tribally chartered program.
>
> The primary intent of this resolution is to support the concept of tribally chartered community colleges where such an institution is deemed appropriate by the tribe. It is also directed at the large principle recognizing the perogative of a tribe to develop its own delivery system instead of being forced to create local institutions on the mandate of the federal government, and that pending legislation reflect this prerogative, and

BE IT FURTHER RESOLVED, that the National Congress of American Indians urge that additional funds be made available at the earliest time possible for those operating tribally chartered colleges in dire need of funds to meet their expanding needs and to continue their programs as allowed by their charters to the fullest extent of the law and with the guarantee of due process.

BE IT FURTHER RESOLVED, that the Executive Director of the National Congress of American Indians take all necessary action to expedite this resolution.

HOUSING

Policy Resolution No. 1
MODERNIZATION AND EMERGENCY FUNDING FOR HUD HOME OWNERSHIP OPPORTUNITY PROGRAMS
Adopted September 21, 1977

WHEREAS: since 1961, when Indian housing came into being under the U.S. Housing Act of 1937, and are constructed under minimum property standards; and

WHEREAS: these homes constructed under the minimum property standards are improperly constructed, under-insulated, many having modern fuel wasteful heating systems that are designed for conservation, but for ease and comfort and have never been cost effective for low-income families; and

WHEREAS: many residences will be vacated or repossessed because of fuel-related and deterioration costs in excess of family income; and

WHEREAS: many Indian homebuyers have energy problems and desire to change the high cost of heating systems to cost effective systems such as coal, wood, or solar because of local accessibility and low-cost delivery; and

WHEREAS: HUD does not provide modernization and weatherization funds for Indian families in homebuyers program, nor are low-income families eligible for other forms of financing and are ineligible for other Federal grants or home improvement loans because of program requirements.

NOW, THEREFORE, BE IT RESOLVED, that the National Congress of American Indians support and request the Secretary of the Department of Housing and Urban Development to immediately make modernization funds available to all Indian homebuyers prior to Federal Regulations, March 9, 1976, requesting cost effective primary heating systems; and

BE IT FURTHER RESOLVED, that the National Congress of American Indians request that the Department of Housing and Urban Development make weatherization and modernization funds available for repairs to homes of those families too poor to maintain their homes in a decent, safe, and sanitary condition; and

NOW, THEREFORE, BE IT FINALLY RESOLVED, that the National Congress of American Indians support and request the Secretary of the Department of Housing and Urban Development for special emergency funding to provide for maximum conservation of energy for heating and other related purposes for all homes constructed under the HUD homebuyers programs prior to Federal Register, March 9, 1976, Indian Housing.

HOUSING

Policy Resolution No. 2
REQUEST FOR U.S. DEPT. OF LABOR TO ISSUE DAVIS-BACON WAGE RATES
Adopted September 21, 1977

WHEREAS: Federal regulations require currently issued Davis-Bacon wage rates for U.U.D. housing projects; and

WHEREAS: HUD has failed to implement the agreement between HUD and DOL, under which HUD is directed to assist DOL in the collection of current wage payment data; and

WHEREAS: the Dept. of Labor either let expire or cancelled the wage rates for at least two California Housing Authorities in June and August; and

WHEREAS: this has currently stopped progress in 145 homes valued at approxinately 6.5 million dollars;

NOW, THEREFORE, BE IT RESOLVED, that the National Congress of American Indians support the Association of California Indian Housing Authorities requesting that HUD comply with the terms of the agreement between HUD and DOL; and

NOW, THEREFORE, BE IT ADDITIONALLY RESOLVED, that the National Congress of American Indians support the Association of California Indian Housing Authorities requesting the immediate issuance of wage determinations for the Tule River Indian Housing Authority and the Owens Valley Indian Housing Authority from the U.S. Dept. of Labor.

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HOUSING

Policy Resolution No. 3
IMPROVEMENT OF INDIAN HOUSING
Adopted September 21, 1977

WHEREAS: the National Congress of American Indians recognizes the continuing shortage of decent, safe and sanitary housing for American Indian and Alaska Native families; and

WHEREAS: improvements in the delivery of Indian housing must be made in order to alleviate the shortage of decent housing; and

WHEREAS: certain efforts are deemed necessary in order to improve the delivery of Indian housing;

NOW THEREFORE, BE IT RESOLVED, that the National Congress of American Indians request that the Department of Hous Housing and Urban Development immediately appoint the Special Assistant for Indian and Alaska Native programs, and that it be a person who is an American Indian or Alaska Native and has experience and and knowledge of Federal programs relating to housing for American Indians and Alaska Natives on local, regional and national levels. He must possess an ability to understand the special unique relationship of the American Indians and Alaska Natives to the Federal Government. He must particularly understand the American Indian traditions, culture and customs. The Department of Housing and Urban Development must allow the Director for Indian Programs, as a policymaking Indian office, to reconstruct its central and regional offices, providing a staff knowledgeable and experienced in the production and management of Indian housing; and

BE IT FURTHER RESOLVED, that the National Congress of American Indians insist that the Department of Housing and Urban Development Secretary, Patricia Harris, issue a statement of policy clarifying the direction and commitment to an Indian program effort. Suggested policy is as follows:

> The Department of Housing and Urban Development recognizes, supports and respects the unique legal relationships, derived through treaties, executive orders and legislation that exist between the United States Government and Indian Tribes.
>
> Further, the Department recognizes and supports the numerous and complex social, economic and physical problems confronting Indian communities.
>
> To assist Tribes in overcoming these needs the Department is committed to improving the Department of Housing and Urban Development-Tribal relations, the effectiveness and responsiveness of its programs and delivery mechanisms.
>
> The Assistant Secretaries and Regional Administrators will assist the Special Assistant for Indian and Alaska Native Programs in the development of specific objectives to which we can address our attention, efforts and resources in a timely and coordinated manner; and

BE IT FURTHER RESOLVED, that the National Congress of American Indians does mandate the Department of Housing and Urban Development to commit an outline of the positive action on Indian housing for the next five years and reprort the progress, achievements, policy and the objectives to a National Indian Housing and Community Development Advisory Group; and

BE IT FURTHER RESOLVED, that the National Congress of American Indians be a member of such an advisory group when created to continue to advise the Department of Housing and Urban Development on matters concerning Housing and Community Development for the American Indians and Alaska Natives; and

BE IT FURTHER RESOLVED, that the National Congress of American Indians requests that the U.S. Department of Housing and Urban Development undertake a full and complete in-depth survey to determine the full extent of Indian housing needs for reservations, rural areas and urban areas. Such survey should include the location of Indians, income levels and abilities to pay; the need for homeownership and rental units, new construction and rehabilitation, detached and multi-family dwellings; and the need determination should include a projection of new family formations, increase in population and deterioration of existing units; and

BE IT FURTHER RESOLVED, that the National Congress of American Indians requests an administrative restructuring of the disbursement of funds and services in the production of Indian housing whereby all funds for approved projects, including housing, water, sanitation, and road costs, be dispursed to the Indian Housing authorities, putting the responsibility for housing projects with the Tribal governing bodies and Indian housing authorities where it belongs; and

BE IT FURTHER RESOLVED, that the National Congress of American Indians requests that the 1 percent set aside in the Secretary's Discretionary Funds for Community Development Block Grant, as described in the Housing and Community Development Act of 1977, shall be used solely for the purpose of Indian use.

BE IT FURTHER RESOLVED, that the National Congress of American Indians requests the long-range continuation of training for Indian housing authority officials and staff members; and

BE IT FURTHER RESOLVED, that the National Congress of American Indians requests that the Interdepartmental Agreement between the Department of Housing and Urban Development, the Bureau of Indian Affairs and Indian Health Service be amended to include the Farmers Home Administration as a signatory party and that Indian housing production commitments be included for the Department of Housing and Urban Development to finance no less than 15,000 new units annually, the Bureau of Indian Affairs to finance no less than 3,000 new units annually and the Farmers Home Administration to finance no less than 3,000 units annually.

HOUSING

Policy Resolution No. 4
OFF-RESERVATION HOUSING
Adopted September 21, 1977

WHEREAS: the Bureau of Indian Affairs through the years has displaced American Indians in the urban and rural areas of the United States through their relocation programs, and many of these American Indian families are now living in areas where blight and deplorable living conditions are their everyday plight,

THEREFORE, it is now an obligation of the Department of Housing and Urban Development to define and address these needs, and

WHEREAS: the National Congress of American Indians recommends that a formal policy be established in the Indian Housing regulations by the Department of Housing and Urban Development recognizing the housing needs of off-reservation Indians; and

BE IT FURTHER RESOLVED, that the National Congress of American Indians also recommends that the Department of Housing and Urban Development provide additional funding for housing allocations specifically for off-reservation American Indians; and

BE IT FURTHER RESOLVED, that the National Congress of American Indians further recommends to the Department of Housing and Urban Development that technical assistance and a comprehensive housing training program be made available for off-reservation Indian housing projects.

HOUSING

Policy Resolution No. 5
INDIAN HOUSING REGULATIONS
Adotped September 21, 1977

WHEREAS: the Indian Housing Regulations, Federal Register, March 9, 1976, has caused tremendous problems for both the Department of HUD field staff and the Indian housing authorities; and

WHEREAS: the current strict adherence by the Department of Housing and Urban Development to the regulations has served to retard housing development to the extent that the program is not operating effectively; and

WHEREAS: Indian housing authority officials have repeatedly declared that the Indian regulations are very cumbersome and inadequate in addressing Indian housing needs;

THEREFORE, BE IT RESOLVED, by the National Congress of American Indians that certain provisions of the regulations be rewritten with the input of the American Indian housing authorities and other constituents; and

BE IT FINALLY RESOLVED, that the National Congress of American Indians endorse recommendations for the improvement of the regulations as proposed by the Housing Committee of the National Congress of American Indians 34th Annual Convention.

Policy Resolution No. 1
INDIAN RECOGNITION POLICY
Adopted September 22, 1977

WHEREAS: The Indian policy of the U.S. Government is administered inconsistently and somewhat to American Indian tribes and

WHEREAS: the procedures for establishing and maintaining the federal trust relationship between certain American Indian tribes and the U.S. Government has evolved primarily from a treaty and land base situation; and

WHEREAS: the committee on Indian Recognition Policy is recommending the adoption of a position paper and resolution to establish a format and certain criteria for extending federal recognition to groups, communities, and bands not presently recognized; and

WHEREAS: similar recognition criteria has been published in the Federal Register by the Department of Interior; and

WHEREAS: the deadline for tribal response to this criteria has been established as October 18, 1977;

NOW THEREFORE BE IT RESOLVED, that United Southeastern Tribes, Inc. along with other Eastern tribes requests that the National Congress of American Indians in its 34th Annual Convention, table the resolution on Indian Recognition Policy for further action by the Executive Council of NCAI in its next session; and

BE IT FURTHER RESOLVED, that the resolution and position paper on Indian Recognition Policy be forwarded to all eligible member tribes for action by their tribal council to ratify, amend, or reject the resolution, by the nect Executive Council of the National Congress of American Indians; and

BE IT FURTHER RESOLVED, that the Executive Director of the NCAI be directed to notify Mr. Forrest Gerard, Assistant Secretary of the Interior for Indian Affairs, immediately of this action sot that the deadline of October 18, 1977 be extended for additional tribal response; and

BE IT FURTHER RESOLVED THAT, the National Congress of American Indians does support the concept of establishing a procedure for recognizing Indian Tribes not presently protected by the United States.

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SOVEREIGNTY

Policy Resolution No. 1
NEED FOR TRIBAL LEADERS TO PURSUE THEIR GOALS AS TRUE INDEPENDENT SOVEREIGNS
Adopted September 21, 1977

Sovereignty is a principle which applies to a group of people who are culturally and politically distinct from other peoples. The sovereignty of American Indian tribes and nations is based upon the historical existence of Indian governments prior to the establishment of European governments on this continent. These governments, and the rights of a particular ttibe to their own government, cannot be extinguished or diminished by any other government.

WHEREAS: a declaration of sovereignty has already been established by this Congress assembled in Salt Lake City, Utah in 1976;

WHEREAS: it has already been agreed that sovereignty is the inherent right and powers of tribal government to control their own internal affairs and to manifest their own destiny consistent with the natural laws of the universe;

WHEREAS: The government of the United States has accepted a trust responsibility to provide the necessary federal funding and instrumentalities required to honor, enforce, preserve, protect and fulfill these sovereign principles;

THEREFORE: tribal leaders on every level of national or local tribal leadership need to pursue their goals as true independent and legal sovereigns and assume initial responsibility to;

1. Recognize that all Indian people have a common goal and should remain or become culturally, politically, socially and financially independent tribes and nations;
2. Analyse existing implications and patterns set by the Indian Reorganization Act and determine how the laws of a Tribe which are inconsistent with traditional or cultural values could be changed;
3. Exercise sovereignty consistent with the common goals not detrimental to the cultural values of the respective tribes;
4. Educate and communicate with tribal membership the direction of the common goal and introduce methods to implement that goal.
5. Strengthen existing traditional tribal governments by resolving that NCAI shall to the fullest extent possible:
    a. urge the Assistant Secretary of Indian Affairs to adopt a policy statement fully supporting and not conflicting with the traditional government, culture and customs of each tribe;
    b. encourage strongly that other federal administrative agencies (e.g. IHS, HUD) also adopt a policy statement fully supporting and not conflicting with the traditional government, culture and customs of each tribe.
    c. call on Congress to amend the 1968 Indian Civil Rights Act.
6. Educate non-Indians in order that they may attempt to understand and support Indian efforts toward asserting sovereignty.

SOVEREIGNTY

Policy Resolution No. 2
FORMULATION OF A DEFINITION OF POLITICAL STATUS OF INDIAN TRIBES
Adopted September 21, 1977

WHEREAS: the National Congress of American Indians has consistently endorsed the sovereignty of the Indian tribes (American Indian Declaration of Sovereignty, 31st Annual Convention of NCAI, October, 1974); and

WHEREAS: the NCAI recognizes that each Indian nation must provide the leadership ot insure that the integrity of tribal boundaries is maintained; and

WHEREAS: the absence of a clearly defined and mutually acceptable political status of Indian tribes has permitted U.S., state, county, and local governments to encroach upon tribal sovereignty; and

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WHEREAS: relations between tribal, federal, state, county, and local governments are characterized by perpetual jurisdictional conflicts between the various governments, including but not limited to, land and natural recources regulation and protection; civil and criminal matters; and health, education and social services; and

WHERFAS: the U.S. government has, in negotiating treaties with Indian nations, agreed to honor, preserve, protect and guarantee the inherent sovereign rights and powers of self-government and self-determination of these tribes; and

WHEREAS: groups such as the Council of State Governments recognize the need to treat with Indian tribes to resolve jurisdictional conflicts;

NOW THEREFORE BE IT RESOLVED, that the National Congress of American Indians recognizes the fundamental importance of formulating a definition of political status of Indian tribes; and

BE IT FURTHER RESOLVED, that the NCAI shall seek financial and technical resources for the formation of a two-year "Commission on Tribal Political Status." This Commission, appointed by the President of NCAI, shall consist of representatives from tribes, national Indian organization, and technical assistance organizations, and shall:

1. Explore the present political status of tribes in relation to the United States, states, county and local governments;

2. Consult tribal governments through meetings, hearings and correspondence to obtain information on methods through which to improve the relationships between tribes and the federal, state, county and local governments;

3. Present quarterly progress reports to the NCAI Executive Committee and report to the 35th and 36th Annual Convention of the National Congress of American Indians; and

4. Present their findings to the President of the United States, the Secretary of the Interior, and the Congress of the United States.

SOVEREIGNTY

Policy Resolution No. 3
EXERCISE OF INDIAN WINTERS RIGHTS TO THE USE OF EATER

Adopted September 21, 1977

WHEREAS: the National Congress of American Indians has steadfastly supported the assertions of the Indian Nations and Tribes in regard to their Winters rights to the use of water and has consistently aided the Tribes in preservation, protection, utilization and conservation of those most valuable of all natural resources; and

WHEREAS: the National Congress of American Indians has likewise adhered to a policy fully supporting the program of inventorying Indian rights to the use of water on the various western reservations throughout the arid and semi-arid west with the result that on many reservations there is sufficient information which may presently be utilized in the development and exercise of Indian Winters rights for beneficial uses which would produce much-needed revenue and would greatly strengthen the economy of the reservation; and

WHEREAS: many Indian Tribes on western and southwestern reservations, including but not limited to the Colville Confederated Tribes, the Fort Hall Tribes, the Yakima Tribe, Fort Mojave Tribe, Gila River Tribe, Rosebud Tribe and other Tribes, have proceeded with their own financing or with assistance from other sources thus demonstrating that they can develop, exercise and use for beneficial purposes their Winters rights and are proceeding now further to develop their Indian Winters Doctrine rights to the use of water; and

WHEREAS: Forrest Gerard, Assistant Secretary for Indian Affairs, has vigorously supported the claims of the Indian rights to the use of water and has actively represented the Indian Tribes in the development of a new water policy and has specifically emphasiszed that "The importance of Indian water rights to the Tribes and their members cannot be overstated." Adding very properly that each reservation and "each tribe is a unique-situation" requiring separate concepts in the full development of their rights to the use of water; and

WHEREAS: numerous Tribes are presently so situated that with reasonable sums of money are in a position now to use water resources in which they hold Winters rights to the use of water, which have not been previously developed;

ACCORDINGLY and with the objective of establishing a policy of rapidly exercising Winters rights to the use of water to the fullest extent possible, while at the same time properly developing and planning means of further development of all other reservation water resources, thus acting in keeping with the concepts espoused by Assistant Secretary Gerard;

NOW THEREFORE BE IT RESOLVED THAT:

1. The National Congress of American Indians, to the fullest extent possible within the limits of its resources as made available by its members or other sources, shall retain a specialist who shall assist the Tribes in the procurement of funds and also to assist Indian Nations and Tribes immediately and rapidly to commence the development of their invaluable Indian rights to the use of water and to apply those Indian rights to beneficial uses by initiating a program to provide technical and legal assistance to those tribes desiring forthwith to develop expeditiously their long, unexercised rights to the use of water from sources readily available, both surface and groundwater; and

2. The National Congress of American Indians strongly urges the Secretary fo the Interior to join with it in fostering the immediate development of Indian water resources by forthwith making available, at the reservation level, a program and funding which will utilize available surface and groundwater resources to the end that Tribes will benefit from a program which has long been neglected and thus, adopting the best and soundest means of protecting, preserving, utilizing, and conserving the Indian Winters rights to the use of water, which have been, and are now being threatened to be abridged or lost through a long-time policy within the Department of Interior of refusing to develop Indian rights to the use of water for the benefit of Indian people;

3. The Secretary of the Interior fully supports Forrest Gerard, Assistant Secretary for Indian Affairs, in the promulgation and implementation of the water resources program Mr. Gerard is now fostering and to guarantee Mr. Gerard the fullest and most complete cooperation in an on-going struggle within the Federal Government to the end that the new National Water Resource Management Program, now being formulated, will not prejudice the Indian Winters rights to the use of water, but will rather expeditiously proceed with a policy of cooperating with the Indian tribes in the exercise of their rights to the use of water, all in conformity with the concepts and rationale of this resolution, while, at the same time, conducting further inventories where required with the objective of early use and exercise of Winters Doctrine rights to the use of water to the fullest possible extent; and

4. All of the administrative agencies be directed forthwith to cooperate fully with the administration of Forrest Gerard in the protecting, preserving, utilizing and conserving of Indian Winters rights to the use of water.

SOVEREIGNTY

Policy Resolution No. 4
RESPONSE TO FEDERAL GOVERNMENT VIOLATIONS OF INDIAN WATER RIGHTS

Adopted September 21, 1977

WHEREAS: the Indian Winters rights to the use of water are priceless resources, without which the economies of the Indian people cannot be strengthened and maintained and that the loss of the Indian rights will gravely prejudice the continuity of the Indian people as independent and distinct economic communities; and

WHEREAS: the Solicitors Office of the Department of the Interior is now and has for may years past been subject to unconscionable conflicts of interest, the results of which are that while they purport to render legal services for the American Indian Nations and Tribes, particularly in regard to the Indian rights to the use of water, they have not been and are not now performing legal services for the American Indian Nations, Tribes and people, but rather in truth and in fact, the Solicitors Office has been and is now rendering legal opinions, making legal determinations and otherwise taking legal positions for the Bureau of Reclamation, other non-Indian agencies and the Department of Interior which has resulted in the American Indians having the Indian rights to the use of water abridged, violated and limited or destroyed with the consequence that the Indians are suffering irreparable damage through the seizure and violation by the Bureau of Reclamation and other non-Indian agencies of their invaluable rights to the use of water; and

WHEREAS: the Department of Justice frequently acting in concert with the Solicitors Office and at its request and direction is now adopting legal policies which, when applied to the cases ongoing before the Federal and the state courts, has resulted in the Indian rights to the use of water being abridged, denigrated, violated and encroached upon with the consequence that the Indians are now and have been suffering irreparable damage due to the conduct of the Department of Justice which, among other things, is now and has been asserting that Indian rights to the use of water are now and have been seriously damaged; and

WHEREAS: the Department of Justice, acting in conjunction with the Solicitors Office, has not only continued erroneously to declare that Indian rights to the use of water are Federal rights, but has likewise asserted in total error (1) that a non-Indian purchaser of Indian allotted land succeeds to Indian Winters rights to the use of water to the extent that the Indian predecessor in interest of the allotment was using the water; and (2) that, in error, the Department of Justice is asserting that the Secretary of the Interior has the "exclusive jurisdiction" to control, administer and to allocate all of the water resources on tribal lands, allotted lands and formerly allotted lands; (3) that the Department of Justice, in total error, is asserting that Indian rights are Federal rights with the result that it is declaring that the rights to the use of water are owned by the United States and that the Secretary of the Interior has the full, complete and plenary power over those rights to the use of water, not only as to their use, but as to their disposition; (4) that the Eagle River Decision and the Akin Decision, that has caused such irreparable and continuing damage to the Indian rights to the use of water, are but instances of the on-going, unconscionable violation of Indian rights to the use of water by the Justice Department in litigation now being tried or which, in the future, will soon be tried and that preparation of trials similar in nature of those which are in violation of the Indian rights to the use of water are being prepared for billing or for further legal proceedings; and

WHEREAS: at the insistence of the National Congress of American Indians, the National Tribal Chairmen's Association and with Forrest Gerard, the Assistant Secretary of Indian Affairs, the Secretary of the Interior has published in the Federal Register of July 28, 1977, (Vol. 42, No. 145) the following declaration of policy;

WATER RESOURCES COUNCIL
WATER RESOURCE POLICY STUDY
Indian Water Rights Statement

> The Secretary of the Interior is fully aware of the unique status of the Indians as beneficiaries of the trust responsibility owing to them by the United States. Indians are the owners of a veneficial right to the use of either surface or ground water related to their reservations. The trustee United States is obligated to protect Indian rights to the use of water.
>
> A study of policy regarding Indian water rights will be undertaken initially by the new Assistant Secretary of the Interior for Indian Affairs. This study will be coordinated as a part of the overall study of water policy reform.
>
> Indian water rights are not the same as "Federal rights" and, therefore, cannot be included in a policy statement involving "Federal rights" (see issues of July 6, 15, and 25 (42 FR 34563, 36789 and 37940, respectively) and no separate option paper on Indian rights to the use of water will be published.
>
> s/Guy R. Martin, Alternate to the Chairman, Water Resources Council, Chairman, Water Resource Policy Committee, July 26, 1977.

WHEREAS: the conduct of the Solicitors Office and the Department of Justice has effectively violated the constitutional, human and civil rights of the Indian people in regard to their rights to the use of water the consequences of which the Winters Doctrine rights to the use of water are being abrogated without the Indian knowledge, acquiescence or consent and have effectively denied the American Indians their day in court and the Solicitors Office and the Justice Department are now and have been violating the Indian rights to the use of water by suppressing the Indian inherent power and right of self-government and self-determination;

NOW THEREFORE BE IT RESOLVED, by the National Congress of American Indians that the Solicitors Office and the Department of Justice hereafter and hence forward will cease and desist from adopting any legal positions unless and until they have fully informed the American Indian Nations and Tribes whose interests are immediately and directly involved of the legal opinion, and the consequences of them, the basis for those legal opinions and have offered the American Indian Tribes and people that are immediately involved and all other Indians who could be damaged or their rights influenced by the precedent being established affording those Indian Nations and Tribes a full opportunity to assess and determine whether they will accept or oppose the legal position or opinion that is being espoused by the Solicitors Office and the Department of Justice, or both;

BE IT FURTHER RESOLVED, that both the Solicitors Office and the Justice Department, in all matters involving Indian rights to the use of water, including presently on-going cases invloving those rights, are required to strictly perform their obligations as agents of the Trustee United States of America solely for the benefit of the Indian people and that in performing those legal functions, both the Solicitors Office and the Department of Justice, in all litigation and all other legal matters involving the Indian rights to the use of water, are required professionally to exercise the highest degree of care, skill and diligence in the protection of those rights and failure to do so can, and has in the past, resulted in irreparable damage ot the American Indian Nations and Tribes, a consequence that can no longer be countenanced by the Indian people and for which the Solicitors Office and the Department of Justice must be held fully accountable, personally and as institutions charged with the obligations as trustee;

BE IT FURTHER RESOLVED, that the Solicitors Office and the Justice Department in all other matters involving Indian rights to the use of water will always and strictly adhere to the responsibilities of the trustee in conformance with Secretary Andrus' declaration set forth above to the effect that Indian rights to the use of water are not Federal rights to the use of water and thus to avoid the disastrous consequences which arose in the Akin Decision and which consequences are directly and entirely attributable to the mistake made by the Justice Department in categorizing Indian rights to the use of water as Federal rights to the use of water;

BE IT FURTHER RESOLVED, that the National Congress of American Indians immediately calls upon;

1. The Solicitors Office and the Justice department

1. The Solicitors Office and the Justice department publicly and in writing, to join the Secretary of the Interior Andrus in declaring that Indian rights to the use of water are not Federal rights to the use of water;

2. The Solicitors Office and the Justice Department to declare, publicly and in writing, that non-Indian purchasers of formerly allotted Indian land do not acquire Indian Winters rights to the use of water to the extent that the Indian allottee was using water when the land passed out of Indian ownership but rather title to those rights to the use of water resides in the Indian Nations and Tribes;

3. The Secretary of the Interior Andrus to modify the quoted statement set forth above from the Federal Register rejecting the erroneous concept that "Indians are the owners of a beneficial right to the use of either surface or ground water related to their reservations" and correctly declaring that "Indians are owners of the full equitable title to their rights to the use of either surface or ground water related to their reservatrion," adding that the National Government Trustee has residing in it a naked legal title which may be exercised only in furtherance of that trust;

4. The Solicitors Office and the Department of Justice to publicly and in writing retract their gravely erroneous statements that the Secretary of the Interior has "exclusive jurisdiction" to control, administer and allocate all water resources on the Indian reservation including tribal lands, allotted lands and formerly allotted lands, but rather the Indian Nations and Tribes, as owner of the full equitable title to those lands and rights to the use of water, have full power to administer those rights in cooperation with the Trustee United States;

5. The Carter Administration and Congress to support an amendment to 43 J.S.C. 666 (the McCarran Act) to exempt Indian rights to the use of water from the applicability of that Act;

BE IT FURTHER RESOLVED, that the President of NCAI, before the end of the 34th Convention of NCAI, appoint a committee composed of Indian leaders to confer with the Attorney General, Secretary of the Interior and the apporpriate Committees of Congress by November 1, 1977, having as their objective the immediate and full effectuation of this resolution and to report back to the President and Executive Director of the National Congress of American Indians the results of their meetings and in turn report these results to the NCAI tribal membership.

SOVEREIGNTY

Policy Resolution No. 5
JOINT NIB/NCAI COMMITTEE ON BORDER ISSUES
Adopted September 21, 1977

WHEREAS: the Indian tribes and organizations of New England and Eastern Canada assembled in conference at the Penobscot Nation in Maine on August 16-18, 1977 to discuss the impact of the Canadian-U.S. border on Indian affaris; and

WHEREAS: both the National Indian Brotherhood of Canada (NIB) and the National Congress of American Indians (NCAI) formally participated in this conference continuing previous joint NIB/NCAI efforts to address issues of mutual concern to American Indians in the United States and Canada, and in furtherance of NCAI Resolution No. 4, adopted at the 33rd Annual Convention; and

WHEREAS: the conference recognized the need to ensure compliance of customs and immigration requirements with the Jay Treaty of 1794 and other groverning law, to clarify the legal status of Indian Tribes affected by the U.S.-Canadian border, to preserve recognized aboriginal and treaty rights, to protect Indian families and children who have crossed the border from the excesses of non-Indian child welfare systems, and to explore the need for a U.S.-Canadian government Indian Service agreement; and

WHEREAS: the conference requested the formation of a joint NCAI/NIB committee to explore these issues and to pursue appropriate solutions with the respective governments; and

WHEREAS: NIB has committed to participate in such an effort by resolution at its national convention on September 17, 1977;

NOW THEREFORE BE IT RESOLVED, that the National Congress of American Indians join with the National Indian Brotherhood in forming a joint committee to explore the solutions to the problems identified above and related problems of mutual concern and that this joint committee immediately establish contact concerning these matters with the federal governments of the United States and Canada and that the committee report its findings and progress to the 35th Annual Convention of NCAI.

HEALTH & WELFARE

Policy Resolution No. 1
INDIAN HEALTH CARE IMPROVEMENT ACT (PL 94-437) AND INDIAN
SELF-DETERMINATION AND EDUCATION ASSISTANCE ACT (PL 93-638)
Adopted September 20, 1977

INTRODUCTION

The Indian Health Care Improvement Act is without question the most important Indian health legislation ever enacted by Congress.

Its passage is a monument to the persistent and collective efforts of the National Congress of American Indians, National Tribal Chairmen's Association, National Indian Health Board, and the American Indian Health Care Association, whose concerns for the health deficiences of Indian communities prevailed in spite of a stern Administration policy to reduce Federal spending programs.

The same persistence and unity of efforts will be required to meet such Congressional performance standards as are implied in Title VII of the Act. In this regard, it is of the utmost importance to note that the Act authorizes funds for a period of three years. Annual Congressional review of the progress being made will dictate the extent to which authorization for funds will continue after the initial three years.

In order to assure an adequate authorization level through the life of the Act, Congress will need to be satisfied that appropriated funds are being utilized with maximum efficiency and that there is satisfactory impact on the unmet health needs of Indian consumers.

A review of past performance of both IHS and the limited role of Indian health consumers, would indicate that major changes in the management of Indian health services will need to be affected if the intended results of Congress are to be realized.

A first step in initiating the desired changes must come from the Indians themselves, and it is therefore incumbent on this Convention to adopt such policies as may be necessary to eliminate the possibility of mediocrity or failure.

NCAI HEALTH POLICY

Any consideration of an Indian policy relative to PL 94-437 must not be limited to the Act, but essentially apply to the entire scope of IHS responsibilities and existing statutory authorities. More specifically, P.L. 94-437 cannot be given proper attention without careful and relative consideration of the provisions of P.L. 93-638 and its integration into the Management and Financial systems currently utilized in the delivery of health services.

It is notable, too, that there is Congressional intent for a "partner" relationship between IHS and Tribal governments for jointly assuming the responsibility for utilization of all available health resources to the end result.that desirable and requisite goals are achieved in the administration and delivery of services.

Essentially, then, Indian people must be specifically aware of their responsibilities and limitations, and IHS must be willing to initiate such administration and procedural changes as may be required to result in maximum Indian involvement and timely, coordinated and effective implementation of its program responsibilities.

To this end, and to the end that Tribal Sovereignty and Self-Determination becomes meaningful reality rather than a continuing elusive myth, NCAI establishes the following Indian Health Policies.

GENERAL

1. NCAI is cognizant of the frustrating problems created by the antiquated communications and response systems bureaucratically ingrained in IHS. Times and situations are changing, that require prompt and reliable dissemination of pertinent information and answers to reasonable inquiries.

   It is therefore the policy of NCAI to energetically pursue options for procedural and management changes within IHS that will insure communications and response systems equal to private industry and compatible with the Indians' right to be informed.

2. NCAI recognizes the value of the concept of Indian Health Boards. It is also aware of the growing discontent among some Tribal governments to the role of Health Boards that is primarily imposed by IHS personnel. Since Indian Health Boards can provide an essential link between the Tribal governments they represent and the IHS, it is advisable that they are reorganized to reflect greater responsiveness to those Tribal entities. Service Units Health Boards are ideally constituted since their membership is dependent on selections directly from the Tribal government within the Service Unit. No less consideration should be given the selection or election of Area Health Board memberships or the National Indian Health Board if they are to officially represent Tribal governments.

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It is therefore the policy of NCAI to promote the reorganization of Health Boards and clearly establish their functions and responsibilities to the extent that a desirable and intended link between IHS and Tribal governments is satisfactorily achieved.

3. NCAI has been apprised of the general lack of training of Health Board members and resultant limitations which prohibit their desired level of participation in the functional and administrative processes of IHS. It is unconscionable that the level of capabilities of Indian Health Boards should continue to be maintained at a level lower than comparable organizations in the private sector. There is recognition of the past limitation of funds, board membership turnovers, and lack of consistent IHS policy for Health Board responsibilities. However, PL 94-437 should resolve the matter of funds; and a reorganization of Health Boards and a clear definition of their responsibilities should be initiated immediately with Tribal input.

   It is the policy of NCAI, therefore, to actively advocate for Health Board training and technical assistance programs consistent with the IHS commitments contained in the Mission Statement of 1971, to provide training and technical assistance to the end that "Indian Tribes can manage their own health programs", Tribal health representatives should have access to training that thoroughly acquaints them with administrative and functional aspects of health programs to the extent that the aspirations of Indian consumers favorably impact the IHS delivery system.

4. The Indian Self-Determination Act and the Indian Health Care Improvement Act are directed to concurrent objectives.

   The Indian Self-Determination Act provides the mechanisms and options for Tribal governments to participate in Grants and Contracts Programs designed to offer opportunities to tribal entities for enhancing their sovereign status through direct delivery of services in much the same manner as other sovereign units of government.

   The Indian Health Care Improvement Act provides the authorization for funds.

   The success of Tribal contracting for health-related services or the capability of influencing improved services through IHS can indeed contribute to building confidence and respect for Tribal leadership and, more important, restore dignity to Tribal institutions.

   Failure, however, can futher erode these principles and result in added deterioration and discouragement of these institutions.

   NCAI cannot overemphasize the crucial nature of the impending challenge to Indian communities or the need for maximum funding under PL 94-437.

   It is noted and appropriate that the performance of Indian contractors will be closely monitored by IHS. No less scrutiny should be expected of key IHS staff.

   Therefore, it shall be the policy of NCAI to actively pursue the development of a mutually acceptable and efficient mechanism for insuring the performance and accountability of key IHS staff.

5. NCAI is aware of the distress caused by the current role of Project Officers that identifies to investigative surveillance. Project Officers can and should provide basic elements of successful contracting. Their functions should be more specifically directed to assisting contractors in avoiding mistakes rather than negatively searching them out.

   It is the policy of NCAI to conscientiously advocate for positive changes in the role of Project Officers. Such a role must complement Indian contractors with expertise and advice that assures successful contracting.

   Over the past year the IHS has engaged in bureaucratic games which exhaust tribal patience and result in tribal submission to IHS contracts without a reflection of true tribal wishes.

   Tribes should negotiate only in person and only with PO's and CO's who have authority to contract and approve any agreements concluded. Area offices must not be allowed to send subordinates with no approval authority to meet with tribes.

6. NCAI is disappointed with the general failure of IHS to carry out its responsibilities as the primary advocates for "other health resources". State governments, for example, continue to ignore Tribal entities as viable units of government to the extent that State Health Planning Agencies have generally avoided documenting evidence of Indian Health needs. Since State priorities for distribution of Federal Formula Grant monies are based on priorities from documented needs, the exclusion prevails with full knowldege of IHS. Very little or nothing has been done in a lead agency role by IHS since this statement was adopted by NCAI in 1976.

   It shall be the policy of NCAI to review the advocacy role of IHS and to prompt it it engage personnel with not only the capabilities, but the sincere deire to advocate for Indian constituencies.

SPECIFIC POLICY RECOMMENDATIONS (P.L. 94-437)

The following are the policies relative to P.L. 94-437 that should be adopted by the 34th annual convention of NCAI:

1. NCAI is deeply concerned for the need to establish a performance record during the initial three-year funding period that will justify full funding the the life of the Act.

   It is, then, the policy of NCAI to discourage distribution of 94-437 monies on any formula basis. It is instead proposed that during the first three-year period allocations are established on data-based priorities directed specifically to impact the unmet needs of Indian communities. Tribes must be involved in documenting these needs, and tribal submissions must be the primary data used.

2. NCAI is committed to meaningful involvement of Indian consumers of health services. This involvement, to date, has been generally extremely limited. In recognition of Tribal sovereignty and self-determination principles addressed both by legislative intent and recent court decisions, there is a commitment in IHS to change its approach to assure the greatest latitude of Indian decision-input into the implementation of PL 94-437 and other IHS activities.

   Initally, it is the policy of NCAI to develop and maintain a cooperative effort between Indian consumers of health services and IHS in all facets of program administration. Specifically, in the implementation of PL 94-437, representatives of Tribal governments shall be directly involved in reviewing all available baseline data, establishing priorities, requests for resource allocations, development of performance criteria and evaluation of administrative and functional components relative to the Act and its integrated relationship to other IHS responsibilities.

3. The Indian Health Care Improvement Act has received authorized funding for the next three years, 1977-1979, and the continuation of funding is necessary to address health needs of Indian people. NCAI recommends that National Indian Organization Consultants to IHS for P.L. 94-437 remain intact beyond the initial three year period. Also, NCAI recommends that continued National Indian Organization Consultants to IHS for P.L. 94-437 composition consist of representative members of the National Indian Health Board (NIHB), National Tribal Chairmen's Association (NTCA), American Indian Health Care Association (NIHCA) and National Congress of American Indians, to be selected by the organizations.

   The continual existence of this National Indian Organization Consultants to IHS for P.L. 94-437 will contribute to the continuity of input with regard to Indian health needs to be addressed through 94-437.

4. NCAI has recognized the need to establish urban Indian health programs for purposes of defining and addressing health needs of urban Indian populations.

   To continually support these efforts to establish urban Indian Health programs, NCAI endorses the establishment of the American Indian Health Care Association headquarters in Washington, D.C. to provide technical and supportive assistance to existing and future urban Indian health programs funded through Title V of the Indian Health Care Imrpovement Act. Therefore, NCAI recommends and endorses the funding of the American Indian Health Care Association to provide such assistance through monies available through Title V of the Indian Health Care Improvement Act, P.L. 94-437.

5. The NCAI has been made aware of the gross negligence of IHS personnel in processing P.L. 93-638 grant and contract applications. Statutory requirements for responses related to application processes have been largely ignored.

   The resulting frustrations and discouragement are unnecessary and cannot be tolerated.

   Therefore, NCAI strongly urges the Director of IHS to initiate immediate corrective measures to achieve compliance with the statutory resoonses requirements in the Act.

6. NCAI recognizes the need for a better informed constituency and is particularly concerned that lack of information pertinent to P.L. 93-638 may set the stage for a continued replay or errors associated with P.L. 93-638 contracting processes with tribes and tribal service units.

   There is a great need for the tribes to be involved in policy making decisions involving P.L. 93-638 monies at headquarters level. Congress has made this possible for Indian tribes, through legislation, such as, the Indian Self-Determination Act and the Indian Health Care Improvement Act to improve their health status through more definitive planning, training, facilities and increased staffing, but that the Indian people must participate more in the planning and initiation of health improvements.

   Therefore, NCAI recommends and urges IHS establish a policy council, also, for P.L. 93-638 consisting of representatives for each area as determined by the tribes in the area.

7. Inter-relationship of P.L. 93-638 and P.L. 94-437:

a) P.L. 93-638 must make acceptance of a 638 contract optional with the Indian tribe involved. Indian Health Service should not be allowed to make all of its programs mandatory 638 contracts. This is in violation of the law, both in its spirit and its letter.

b) There must be full funding of the planning and training functions of titles of P.L. 94-437. Until tribes are able to develop their own internal expertise, the aim of P.L. 93-638, which is self-determination, cannot be realized.

c) Any and all 638 contracts between a tribe and Indian Health Service must be the result of true biolateral negotiations and reflect tribal input. Current practice of the Indian Health Service is to bring the contract to the tribe for its approval. This does not allow for tribal input and is contrary to the letter and spirit of P.L. 93-638.

d) There must be Indian input in to all regulations and Indian Health Service policy as a general matter prior to the consideration of any particular contract between the Indian Health Service and the tribe.

e) A review board composed of Indian representatives, selected by the tribes, should be established at the area level to review and approve all regulations, policy, and contract proposals between the Indian Health Service and a tribe within that area. The review board must have meaningful participation in the regulations, policy, and contracts review, otherwise the Indian Health Service will once again be able to impose its will upon Indian tribes.

HEALTH & WELFARE

Policy Resolution No. 2
THE NATIONAL HEALTH PLANNING AND RESOURCES DEVELOPMENT ACT OF 1974 (P.L. 93-641)
Adopted September 20, 1977

The National Indian Health Board (NIHB) composed of twelve members elected from area health boards designated by the Indian Health Service serves a major cross section of the American Indian population. Since its formation in 1972, NIHB has advocated that "health care services delivered to American Indians and Alaska Natives should be of the highest quality and of sufficient quantity so that American Indians and Alaska Natives attain an equal or better health condition than other American citizens". NIHB is organized to "review and comment on all national policies proposed by the Indian Health Service and other federal agencies which serviceor should be serving American Indians or Alaska Natives and to recommend to them such policies as are necessary to improve the health services provided by those agencies to American Indians and Alaska Natives". As a result, NIHB has been providing advisory, consultative and guidance functions for the Indian Health Service. NIHB over the years has acquired the knowledge, expertise, ability and desire to perform its necessary service to the Indian Health Service.

Recently, the National Indian Health Board exercised its responsibility to provide advisory functions for the Indian Health Service and HEW and to insure Indian input at the national level of National Health insurance issues, recommended to HEW Secretary, Joseph A. Califano, that an Indian person be placed on his Health Insurance Task Force. This recommendation resulted in the selection of Cecil Williams, Chairman of the Papago Tribe. His selection assures for American Indians and Alaska Natives that their interests concerning National Health Insurance will be well represented.

NIHB, as a mechanism for the monitoring of national legislation concerning Indian health issues has proven to be successful. NIHB presently is involved in monitoring the activities of agencies and entities created by Public Law 93-641 and what effects those activities have on Indian tribes and people.

Three years after its passage, the impact of P.L. 93-641, the National Health Planning and Resource Development Act of 1974, upon American Indian and Alaska Native future health services remains unclarified. This Act moves to correct maldistribution of health care and to slow the rapid increase in health care cost through the use of Health Systems Agencies (HSA). The authorities vested in these local health planning bodies pose several vexing problems for American Indians and Alaska Natives.

Unresolved questions are:

(1) Does a health plan developed by a HSA supercede reservation health activities?

(2) Could the HSA's "review and comment" authority over certain tribal funding proposals cause them to be not funded?

(3) Are Indian reservations or tribal jurisdictions totally under the authority of HSA's?

(4) Could HSA's close IHS hospitals or eliminate Indian Health Service because they duplicate services of a nearby non-Indian facility?

If and when National Health Insurance is passed, the HSA will probably play a major role in determining how NHI funds are allocated at the local level. In a sense, P.L. 93-641 is the planning component and NHI the financing component of a broad federal health care strategy.

In addition to the HSAs, the Act created various health planning bodies at the state level and a national council on Health Planning and Development. Ten centers of health planning were established around the country to provide technical assistance on health planning and development to HSAs.

IMPLICATIONS OF P.L. 93-641 FOR INDIANS

A. Benefits to Tribes from P.L. 93-641

(1) A mechanism for coordination with the non-Indian health community. As tribal health programs grow, there is a need for improved coordination between them and the non-Indian health community. First, Indian people use the non-Indian health care systems through contract care and as individuals. Because of this, improved health care services can result from good links between the system. Secondly, by developing good coordination, it will foretell any effort to eliminate the Indian system as duplicative because tribes can demonstrate that efficient and effective sets of linkages between the two systems have already been developed. The HSA system provides a mechanism for providing this kind of coordination.

(2) Planning Expertise.
HSAs, centers for health planning and other parts of P.L. 93-641 systems, are developing a range of skills in the health planning area. As tribal health programs grow, they will need these skills and P.L. 93-641 components can serve as technical resources to tribal health departments and authorities. From the tribe's point of view, it might be useful to receive some technical assistance from a source independent of the IHS system in order to give the tribes a different perspective.

B. Funding

The various P.L. 93-641 components could be a possible source of funding for tribal health programs. The HSAs are authorized to make grants to entities, such as tribes, to do health planning. In a few years, the HSAs will be making developmental grants to entities to establish health services now lacking in their area. P.L. 93-641 also controls funds for the construction and modernization of health facilities. While this part of P.L. 93-641 has not been funded, appropriations may be provided in the near future and tribes could use the funds to build outpatient clinics and other health facilities.

C. Tribal Sovereignty

Indian reservations clearly fall within their (HSA) planning area. The unresolved question is what authority the HSA has over health activities on reservations. The greatest threat to tribal sovereignty posed by P.L. 93-641 was eliminated when Congress took away the authority of HSAs to "review and approve" funding applications submitted to the federal government by Indian tribes and replaced it with language that gives HSAs authority only to "review and comment". However, there are other areas in which an HSA could potentially exercise some authority over reservation health activities.

Presently, there are no clear answers to the question posed on tribal sovereignty and other issues by P.L. 93-641. How they are answered by individual HSAs or by HEW national policy will have major implications for Indian health programs in the future. Therefore, Indian involvement in P.L. 93-641 issues is essential to insure these questions are answered in a way that protects and does not diminish tribal sovereignty and tribal power to set their own health service priorities.

D. Link to National Health Insurance

The health planning legislation is tied to NHI. If tribes do not develop acceptable arrangements with the HSAs now, the negative aspect of the relationship between tribes and HSAs will probably be carried over to NHI where the stakes will be much higher. Therefore, P.L. 93-641 must be addressed as part of the Indian community's effort to make NHI responsive to Indian concerns.

P.L. 93-641 has important implications, both positive and negative for Indian health programs. How P.L. 93-641 actually impacts Indian health programs will depend on how effectively the Indian health community pushes its position on HEW and the HSAs in Indian country.

INDIAN EXPERIENCE TO DATE ON P.L. 93-641

It must be stated that Congress and therefore, the federal government has never addressed the relationship between P.L. 93-641 creations and the Indian health care structure. NIHB feels that a focused effort on its part could result in HEW guidelines and legislative amendments that resolve the various issues discussed in the "Implications" section of this statement in the tribes' favor.

Tribal experiences with P.L. 93-641 have been exactly what one might expect, given the failure of Congress and HEW to address the relationship of Indians to the P.L. 93-641 process. As expected, each tribe has worked out a different arrangement depending on (1) the knowledge and bargaining power available to the tribe and (2) the attitude of the non-Indian community towards Indian people. Where a tribe was well informed on P.L. 93-641 and had established its bargaining position on what it wanted, it was able to work out a favorable arrangement on its participation in the HSA. Where those factors were not present, tribes have been forced to accept roles on the HSA that compromise tribal sovereignty and which are generally unfavorable to the tribes.

AGENDA FOR ACTION

A. Tribes clearly need hard information on what their rights are, what their options are, and what kinds of arrangements have been negotiated by other tribes in the country. Good data on the problems that have arisen is essential back up to any effort to get administrative and legislative action to deal with Indian P.L. 93-641 issues. The most favorable tribal arrangements on P.L. 93-641 resulted when the tribe had good information on their rights and negotiated hard for a favorable arrangement. NIHB has begun and will continue to collect information on the experiences of tribes around the country who are dealing with P.L.93-641. With its network of area and local health boards, it may prove easier for NIHB to collect information on the problems that tribes have had with P.L. 93-641 and the arrangements they have developed with their local HSAs.

B. NIHB will initiate discussion with the Bureau of Health Planning and Resource Development on the joint NIHB-HEW development of guidelines on how HSAs must relate to tribes in the areas. Many of the problems can be resolved without new legislation if effective guidelines or regulations are issued.

C. NIHB will seek to provide assistance to tribes that are trying to determine how they should relate to their HSAs or are seeking to alter an unfavorable relationship developed earlier.

To assist in this role NIHB will request the help of the Center for Health Planning, the technical assistance units created by P.L. 93-641. Since one of the centers is located in Denver, NIHB will ask HEW to have the Denver Center assume nationwide responsibility for Indian matters on P.L. 93-641 and to work with NIHB to provide technical assistance to the tribes. This arrangement would combine the technical expertise of the center with NIHB's knowledge of Indian health concerns to provide an effective team for assisting tribes on P.L. 93-641. NIHB nad the Denver Center for Health Planning would then seek to play the broader role of providing technical assistance to tribes on health planning. Due to tribes having to develop health planning skills, assistance from the NIHB Center team would allow them to benefit from the health planning techniques and innovative ideas developed in the non-Indian health system and would give them a source of assistance independent of IHS.

D. Given the relationship between P.L. 93-641 and NHI, NIHB will direct its Core Group on National Health Insurance to involve itself in the P.L. 93-641 activities to insure that any positions developed on P.L. 93-641 coincide with the Indian position on National Health Insurance.

E. NIHB will develop a set of amendments concerning the Indian position and will attempt to include them in the legislative package that HEW will be sending to Congress. Possible areas for these amendments include:

(1) Language requiring HSAs to recognize the unique status of tribes. This language would also discuss tribal sovereignty.

(2) HSAs have certain authority over health providers in their areas that tribes lack. This is different from the positions of a tribe which develops a health plan for its reservation; it has no authority to make IHS follow that plan. For all the improvements in tribal health capacity, their role vis-a-vis IHS is still advisory. A tribe definitely should have an option or some middle ground between that of being advisory and that of contracting entire programs. One of the recommendations of the American Indian Policy Review Commission is that legislation be adopted requiring IHS to follow any plan developed by the tribe. This kind of provision is contained in the BIA's P.L. 93-638 regulations (272.24). It is appropriate that P.L. 93-641 should have the same provisions since it would give tribes the same authority over their health provider that HSAs are getting over their providers.

(3) A tribal entitlement created to acquire some of the planning funds being provided to the HSAs through an Indian set-aside of percentage of planning funds. The need for these monies, however, should be evaluated closely. Unless the need is really great, it might be better to seek funding under P.L. 94-437 and P.L. 93-638 since Congress has already appropriated large amounts of money for these laws.

SUMMARY OF AGENDA FOR ACTION

Due to P.L. 93-641 being an important piece of health legislation, there is a need to provide tribes with information, advocacy, and technical assistance. HEW must be educated to the unique needs of Indian people. Legislative changes must be effected to make the Act (P.L. 93-641) more responsive to Indian needs.

The National Indian Health Board is willing to assume the responsibility for these activities with the willing assistance of NCAI. NIHB has already joined the Consumer Coalition for Health in an effort to improve P.L. 93-641 so that the health care system is more responsive to consumer control.

INDIAN HEALTH AND SOCIAL WELFARE CONCERNS COMMITTEE

Policy Resolution No. 3

Indian Food and Nutrition Issues

The National Congress of American Indians does endorse the following as an official Position Statement on food and nutrition issues affecting American Indians and Alaska Natives and recommends that the Congress and President of the United States and that the Secretary of Agriculture implement these mandates as necessary to the survival and the continued health and well being of the American Indians and Alaska Natives.

I. Regulatory and Administrative Mandates

A. The United States Department of Agriculture must recognize its Trust Responsibility to American Indians and Alaska Natives by establishing formal regulation and policy, using P.L. 93-638 regulations as a guideline, to meet those obligations.

B. The United States Deaprtment of Agriculture shall establish an all Indian Advisory Council to the Secretary of Agriculture.

1. The membership of the advisory council shall be those representatives selected by each area caucus, plus additional special qualified representatives from the tribes to be appointed by the President of NCAI. Area Caucuses shall select the members and direct the new NCAI Area Vice President to inform the President and staff of NCAI of their choice, before the end of the 34th annual convention.

2. Shall establish regulation and policy procedure whereby the Council will have a legitimate voice and authority in the Department of Agriculture on all Indian issues.

3. The United States Department of Agriculture shall establish and empower the All Indian Advisory Council immediately (no later than October 31, 1977).

4. The Council shall be involved in all stages of developing and implementing all regulations and policies based on the new legislation (Indian Food Program Amendments of 1977).

5. Insure that the Council will continue to have on-going and direct access to the Secretary of Agriculture on all matters affecting American Indians and Alaska Natives.

C. Food Stamp Program

1. The Department of Agriculture shall use the recommendations of the all Indian Advisory Council in developing and establishing all regulations and policies affecting American Indians and Alaska Natives.

2. The Department of Agriculture shall provide sufficient administrative and operational funds for the efficient and effective operation of Food Stamp programs serving American Indians and Alaska Natives.

3. The Department of Agriculture shall provide funds, training and technical assistance to those American Indians and Alaska Natives and their governing boards, tribal councils, regional councils, coalitions or designated inter-tribal organizations, upon the request of those American Indians and Alaska Natives who desire to operate a food stamp program.

4. When states administer the Food Stamp program to American Indians and Alaska Natives, the Department of Agriculture shall cause them to be administratively and programmatically responsible to those American Indians and Alaska Natives by requiring a written agreement between the states and the American Indians and Alaska Native People and their governing boards, tribal councils, regional councils, coaletions or designated inter-tribal organizations, based on good faith negotiations between those parties. If the state should fail to live up to the terms and intents of the negotiations and agreements, or if the state fails to meet on-going obligations and negotiations, then the Department of Agriculture should withhold all funds from that state until it comes in compliance. This procedure should be supervised by the all Indian Advisory Council.

5. In the event the state may be unable, or unwilling to operate the program at a satisfactory level or services, the administration of the program shall (at their option) go to the governing boards, tribal councils, regional councils, coalitions or designated inter-tribal organizations of those American Indian and Alaska Natives whom the program is intended to serve.

6. The Department of Agriculture shall, upon request of the American Indian and Alaska Natives and their governing boards, tribal councils, regional councils, coalitions or designated inter-tribal organizations, require states operating a Food Stamp Program for the benefit of the American Indians and Alaskan Natives to subcontract the outreach and issuance portions of the Food Stamp Program to those American Indians and Alaskan Natives and their governing boards, tribal councils, regional councils, coalitions or designated inter-tribal organizations.

7. The Department of Agriculture should establish, through regulation, that all Food Stamp personnel assigned to serve American Indian or Alaska Natives, if at all possible, be native speaking.

8. The Department should conduct effective outreach aimed at the American Indian and Alaska Native population geared to the local culture and native tongue.

9. The Department of Agriculture, in conjunction with the American Indians and Alaska Natives and their governing boards, tribal councils, regional councils, coalitions or designated inter-tribal organizations, and the all Indian Advisory Council should review and revise all forms and procedures to more properly relate to the individual and unique circumstances of the American Indian and Alaska Natives.

10. The Department, with the Advisory Council, should develop a packet of guidelines to be issued to the states and American Indian and Alaska Natives outlining the state's obligations and responsibilities to the American Indian and Alaska Natives.

D. Food Distribution Program

1. The Department of Agriculture shall use the recommendations of the all Indian Advisory Council in developing and establishing all regulations and policies affecting American Indian and Alaska Natives.

2. The Department shall provide for direct contracting between the Department and American Indian and Alaska Natives and their governing boards, tribal councils, regional councils, coalitions or designated inter-tribal organizations, when so desired.

3. The Department shall provide sufficient administrative and operational funds for the efficient and effective operation of Food Distribution program serving American Indian and Alaska Natives.

4. The Department of Agriculture shall provide funds, training and technical assistance to those American Indians and Alaska Natives and their governing boards, tribal councils, regional councils, coalitions or designated inter-tribal organizations, upon the request of American Indians and Alaska Natives and their governing boards, tribal councils, regional councils, coalitions or designated inter-tribal organizations, who desire to operate or have a plan to operate a Food Distribution Program.

5. When states administer the Food Distribution program for American Indians and Alaska Natives, the Department shall cause the state to be administratively and programmatically responsible to American Indians and Alaska Natives and their governing boards, tribal councils, regional councils, coalitions or designated inter-tribal organizations, by requiring a written agreement between the states and the American Indian and Alaska Natives based on good faith negotiations between those parties. If the state should fail to live up to the terms and intents of these agreements or should fail to meet on-going obligations and negotiations, then the Department should withhold all monies from that state until it comes into compliance. This procedure should be supervised by the all Indian Advisory Council.

6. In the event the state may be unable or unwilling to operate the program at a satisfactory level of services, the administration of the program should (at the option of the respective American Indian and Alaska Native group), go to the governing board, tribal council, regional council, coalition or designated inter-tribal organization whom the program is intended to serve.

7. The Department of Agriculture shall, upon request of the American Indian and Alaska Natives and their governing boards, tribal councils, regional councils, coalitions or designated inter-tribal organizations, require states operating a Food Distribution Program for the benefit of the American Indians and Alaska Natives to sub-contract the outreach and issurance portions of the Food Distribution Program to those American Indians and Alaskan Natives.

8. The Department should fund and conduct, with the American Indians and Alaska Natives, an effective out-reach program geared to the local culture and tongue of those people.

9. The Department of Agriculture, in conjunction with the American Indian and Alaska Natives and the all Indian Advisory Council should review and revise all forms and procedures to more properly relate to the individual and unique circumstances of the American Indian and Alaska Natives.

10. The Department should establish regulations and policy to improve the existing commodity package - immediately - they should not wait for implementation of the law or regulations.

    a. The improved package shall provide for al least a minimum standard required for a well-balanced and nutritious diet. Said standard to be set by the all Indian Advisory Council.

    b. The Department shall provide a greater variety of commodities to American Indians and Alaska Natives including fresh fruits, vegetables and meats.

    c. The Department shall undertake to provide those foods that meet all of the above requirements, yet still be compatible with the native diets and preferences.

II. Legislative Mandates

A. The Congress of the United States shall require the Department of Agriculture to come into full compliance with P.L. 93-638.

B. Congress shall appropriate funds to do surveys and studies for American Indians and Alaska Natives.

    1. There shall be a study on the extremely high costs of living on reservations, especially with regard to trading posts and transportation costs.

    2. There shall be feasibility studies on the operations of co-ops and mobile food markets and other ancillary systems.

C. Congress shall apporpriate funds to establish innovative and ancillary projects for American Indians and Alaska Natives, and by law, continue funding of those special and pilot projects which prove to be worthwhile.

D. Congress shall pass legislation that would require both the Food Stamp program and the Food Distribution program to provide for a complete balanced and nutritionally adequate diet.

E. Congress shall remove any cost ceilings on those programs serving American Indians and Alaska Natives and instead establish minimums of nutritionally adequate and well balanced diets.

F. Congress shall increase the Food Stamp allotment and commodity allocation because of the higher costs of living encountered by American Indians and Alaska Natives.

G. Congress shall change the law from, "the Secretary may purchase commodities" to "the Secretary shall purchase commodities in sufficient quantity and quality to provide a nutritionally adequate and well balanced diet for American Indians and Alaska Natives."

H. Congress shall authorize the Department to purchase commodities regardless of the commodities' status as surplus or non-surplus or whether it is above or below parity.

HEALTH & WELFARE

Policy Resolution No. 4
INDIAN CHILD WELFARE
Adopted September 20, 1977

WHEREAS: the National Congress of American Indians adopted policy resolution #6 at the 1976 annual convention in support of S.3777 the Indian Child Welfare Act of 1976; and

WHEREAS: S.12.14 the Indian Child Welfare Act of 1977 has been drafted by Senator Abourezk as a successor to S.3777; and

WHEREAS: during the August 4, 1977 Senate hearings and comment period on S.1214 the NCAI, the National Tribal Chairmen's Association, the National Indian Health Board and numerous individual tribes and Indian organizations testified in support of its passage.

THEREFORE BE IT RESOLVED, that the 1977 Annual Convention of NCAI:

(1) Reaffirms its support of S.1214 and recommendations for modifications submitted by tribes.

(2) Directs a committee of NCAI representatives to meet with the BIA Commissioner and Secretary of the Interior for the purpose of discerning the reason why the BIA testified against the passage of S.1214.

(3) Directs the Commissioner of BIA to correct the Bureau's error in submitting an unrepresentative position against S.1214, in view of the unanimously favorable testimony from Indian tribes and organizations.

(4) Directs a committee of NCAI representatives to meet with Ms. Arabella Martinez, HEW Assistant Secretary for Human Resources, Mr. George Blue Sprice, DHEW Intra-Departmental Council on Indian Affairs, the BIA Commissioner, and a representative of OMB to reaffirm the Carter administration's support for the concepts contained in S.1214.

(5) Directs NCAI to monitor the development of amendments to S.1928, the Child Welfare Act of 1977 currently being carried out by the BIA, DHEW and Senator Abourezk's staff in order to make it consistent with and complementary to S.1214, the Indian Child Welfare Act of 1977.

BACKGROUND:

Testimony on S.1214 - The Indian Child Welfare Act of 1977 - was given in Washington, D.C. on August 4, 1977 before the Senate Committee on Indian Affairs. Of those presenting testimony, the BIA Acting Commissioner and HEW were the major opponents. The basic reason stated was that S.1928, "the Child Welfare amendments of 1977" could be amended to address the Indian child placement standards outlined in S.1214.

At the 1976 NCAI convention held in Salt Lake City, Utah, the assembly voted unanimously to support Senate bill 3777 now S.1214, "The Indian Child Welfare Act of 1977".

The NCAI Child Welfare Committee strongly reaffirms its previous position on S.1214 and now asks the BIA, in reference to their testimony on S.1214, "Where is the trust responsibility?"

Although, the NCAI Child Welfare Committee supports the amendments outlined in S.1928, it is highly improbable that it can be amended to accomplish what S.1214 will do. It could possibly be amended so as to supplement and complement S.1214, but it cannot replace S.1214. No matter how well meaning the general programs outlined in S.1928 are, they never identify, or address the unique legal sovereign status of Indian people. It is well known that the basis of Indian child welfare problems are primarily jurisdictional and financial. BIA assertions that S. 1928 will accomplish the goals set forth in S.1214 are an example of BIA misrepresentation of the facts.

S.1928 imposes the same legal and jurisdictional problems on Indians as the Title XX amendments (P.L. 93-547).

The BIA maintains that it is already following the standards set forth in S.1214. The BIA has contracted primarily with state governments to place children in foster care which is a direct contradiction to the standards set forth in S.1214. Indian people are well aware of where state agencies have been placing Indian children. The only improvement in child placing standards that the BIA can boast about are instances where the bureau has contracted with an Indian tribe to perform this function.

The continued use of ARENA, (Adoption Resource Exchange of North America), by the BIA as the only adoption resource is further evidence of their failure to follow the standards set forth in S.1214. ARENA was originally designed specifically to place Indian children in non-Indian adoptive homes. Although, recent ARENA policy claims that Indian children will now be placed in Indian adoptive homes, there is much evidence that this is not the case. ARENA statistics from 1974 show 120 Indian children adopted; 14 went to Indian homes and 106 of the 120 were Canadian Indians. In 1975, 63 Indian children were adopted through ARENA, with the statement that 70 percent were placed in Indian homes. The standards used by ARENA to identfy an Indian adoptive parent is subject to question NCAI child welfare committee continues to go on record strongly protesting the use of ARENA and further urges, that the Bureau, contract with an Indian adoption exchange consistent with the policy of Indian self-determination.

The BIA testimony on S.1214, also states that the use of Boarding Schools is the choice of the parents and that there will be a continued need for boarding schools for foster care placement. Boarding schools were originally designed to remove Indian children from their family and culture, and to thrust Indian children into the mainstream of the dominant society. Boarding schools for years have been the only resource the BIA has had to offer Indian families. Many parents till believe that this is the only resource. Boarding schools for Indian children have become an Indian tradition in most instances and involvement of Indian parents in the formal education of their children is very recent history. Indian childre, today, should not have to endure the removal from their families and communities simply because the BIA has not developed any improved alternatives over the past hundred years. Boarding school staff and programs are as out moded and decrepit as are the buildings that house them. The impact on the social and emotional well being of Indian children being removed from their family and community has been and will continue to be, disregarded by the BIA, until such time that BIA boarding schools are equipped to handle the social and behavioral problems of Indian children.

In response to several points made by Raymond Butler, Acting BIA Commissioner, in his testimony on S. 1214, we make the following comments: (See attachment.)

(1) Contrary to the Acting Commissioner's statement, Title I of S.1214 would not impose one uniform set of federal standards. The fact is that the implementation of S.1214 would be optional for each tribe and the development of the federal regulations or placement standards will provide adequate flexibility to reflect the circumstances of individual tribes.

(2) The Acting Commissioner contended that Title I of S.1214 would increase federal intrusion into the regulations of tribal domestic matters of sovereignty. Again, nothing is further from the truth for the following reasons:

(a) Implementation is a tribal option.

(b) If tribal protection of Indian children from abusive practices of non-Indian courts, and state and private agencies, is a federal intrusion, as described by the Commissioner of Indian Affairs, then just what is Mr. Butler's view of the federal trust responsibility, federal advocacy and Indian self-determination? S.1214 would greatly enhance the powers of self-determination of Indian tribes.

(c) The Acting Commissioner describes S.1214 as federal intrusion on Indian sovereignty in spite of the fact that the tribal governments (whom the BIA is supposed to represent) testified in support of S.1214, i.e.

- National Tribal Chairmen's Association
- National Congress of American Indians
- National Indian Health Board
- Choctaw, Navajo, Puyallup, and Quinault Tribes

Many other tribes and organizations submitted written testimony. Tribal governments do not view S.1214 as a federal intrustion but applaud it as a long overdue genuine law reflecting tribal sovereignty.

The Latter Day Saints Church also presented testimony that this committee feels warrants some attention from this assembly. They did not oppose the bill outright, but opposed portions that related to their Indian child placement programs.

While Indian people concerned with child welfare issues have been laboring for years to halt the Indian child placement practices of states and counties, very little attention has been given to the LDS program, which yearly, places a high percentage of Indian children in non-Indian homes. The 1976 NCAI general assembly voted in support of Policy Resolution #10 addressing this issue.

It is not the intent nor the proper function of this committee to interfere with individual human rights; however, it is the responsibility of this committee to keep tribes informed. The primary focus of the LDS placement program is to fulfill the religious convictions of the Mormon faith and to convert all Indians to the Mormon faith is one of their primary convictions. This issue is a very serious one. It has been observed that Mormons are exercising control of some tribal programs at the present time. Indians of the Mormon faith may be sitting on your tribal councils in the near future. In addition to the problems outlined above, the LDS placement programs have problems which are similar (legal and jurisdictional) to state and county Indian child placement programs. We strongly encourage each tribal council representated here to examine this placement program and decide for themselves whether the desire to encourage or discourage these practices.

ATTACHMENT

Statement made by Raymond Butler during Senate
Committee Hearings on S.1214 - 8/4/77

"Title I of S.1214 would impose one uniform set of federal standards over all tribes without considering the wide cultural diversity and values of Indians throughout the country."

"Further, Title I is more restrictive to tribes than the present system because it increases federal intrusion into the regulation of tribal domestic matters of sovereignty."

HEALTH & WELFARE

Policy Resolution No. 5
TITLE XX SOCIAL SERVICES AMENDMENTS TO THE SOCIAL SECURITY ACT
Adopted September 20, 1977

WHEREAS: the National Congress of American Indians has been actively addressing the social service issues and problems brought to the forefront by the enactment of the Title XX amendment to the Social Security Act since its enactment in 1975; and

WHEREAS: the National Congress of American Indians approved several resolutions related to the specific amendment of Title XX at the 1975 and 1976 Conventions, and NCAI representative participated in preparing the Indian concerns section which DHEW had agreed to include in the DHEW report on Title XX report to Congress;

THEREFORE BE IT RESOLVED that the 1977 National Congress of American Indians Convention supports the following measures:

1. That NCAI continue to work with DHEW and specifically Arabella Martinez, Assistant Secretary for Human Development, and the Intra-Departmental Council on Indian Affairs to promote the implementation of the NCAI recommendations related to Title XX and their inclusion in DHEW's report to Congress. Further that NCAI arrange for a meeting between Ms. Arabella Martinez, DHEW Assistant Secretary for Human Development, and NCAI representatives within 30 days regarding the above position.

2. That NCAI coordinate with the National Tribal Chairmen's Association to promote the maximum inclusion of tribal and NCAI recommendations throughout the nation related to the Indian Title XX Project being funded by DHEW.

Background:

NCAI has been addressing social service issues and problems brought to the forefront of Indian affairs on the national level by the enactment of the Title XX Amendment to the Social Security Act, (P.L. 93-647), which took effect on October 1, 1975:

1. Several resolutions were passed at the NCAI 1975 Convention in Portland, Oregon, i.e., #75-23, 75-61, 75-99.

2. Negotiations were initiated with Mr. Joseph McGavick, DHEW/SRS Regional Commission, Region X. and Mr. John Young, Commissioner, Community Services Administration, for a grant to NCAI to conduct an initial Indian social services needs assessment, a review of Title XX, and an action plan to address Indian social service needs.

3. Policy Resolution #4 "Title XX Social Services to Indian Tribes" was adopted at the October 1976 NCAI Convention in Salt Lake City which:

   a. Provided special recommendations for the Amendment of Title XX to reflect the tribal sovereignty of Indian tribes and address the social service needs of Indian people.

   b. Continued tribal support for DHEW to award the $450,000 Title XX study grant to NCAI as previously agreed upon. This was in addition to the October 1976 Affiliated Tribes of Northwest Indians Resolution #24 adopted in support of NCAI.

4. Goldie Denny (Quinault Tribe), Chairperson of the NCAI Social Services Subcommittee, participated in the September 1976 National Conference on Social Welfare's Institute on Title XX. Indian concerns were included in the final report.

5. NCAI Social Services Subcommittee members participated in the 4/29/77 Title XX meeting sponsored by the Office of Planning, Research and Evaluation, and the Intra-Departmental Council on Indian Affairs, (IDCIA) of HEW. Specific recommendations were made again by NCAI representatives at this meeting. (See attachment A).

6. In May 1977, at the request of National Congress of American Indians and the Indian Desk of the Department of Social and Health Services, Washington State - a follow-up meeting was held between an IDCIA representative and representatives of Indian tribes and groups in Washington State. The purpose of the meeting was to provide input on Title XX into the DHEW report from the perspective of Indian people residing in a P.L. 83-280 state. (See Attachment B.)

7. In the statement of Nancy Amidei, Deputy Assistant Secretary for Legislation/Welfare, DHEW regarding S.1214 it is indicated that:

> "Negotiations are underway now with the National Tribal Chairmen's Association for a project that would explore the desirability of amending the Social Security Act -- to more effectively operate Title XX social services programs for Indians. That project is being funded at more than a quarter of a million dollars, and is being conducted because we believe that further documentation of the need for services is of less importance at this point than the development of programmatic alternatives."

(ATTACHMENT A.)

May 9, 1977

To: Arabella Martinez
Assistant Secretary for Human Development
DHEW

From: DHEW Intra-Departmental Council on Indian Affairs discussion group

Re: Indian evaluation of Title XX of the Social Security Act

On Friday, April 29, 1977 the DHEW Intra-Departmental Council on Indian Affairs met with representatives of Indian organizations and interested members of the Indian community to discuss Indian experience with Title XX of the Social Security Act. The consensus was that Indians are dissatisfied with Title XX in its present form and application. Complaints fell into three main categories: (1) exclusion from benefits; (2) interference with Indian self-determination; (3) administrative problems. In several states Indians receive little or no benefits from the Title XX funds accruing to the state. In the states that do provide benefits, the programs such as childrens services, often result in state interference in the internal affairs of Indians. In the few states that both provide Title XX services and respect Indian institutions the present statute causes administrative problems. For instance, Title XX gives the states no authority, except by implication, to contract with an Indian tribe.

For the reasons stated above the group believes that Title XX should be amended in accordance with the following principles:

1. INDIAN TRIBES AND GROUPS SHOULD BE ALLOWED TO CONTRACT DIRECTLY WITH THE FEDERAL GOVERNMENT.
2. INTERTRIBAL GROUPS SHOULD BE ALLOWED TO RECEIVE TITLE XX FUNDS.
3. TITLE XX SHOULD BE COMPREHENSIVELY AMENDED TO INSURE INDIAN PARTICIPATION. AMENDMENT MAY TAKE THE FORM OF A SEPARATE TITLE FOR INDIANS.
4. INDIAN GROUPS SHOULD NOT BE REQUIRED TO PROVIDE MATCHING FUNDS TO OBTAIN TITLE XX GRANTS.
5. INDIAN TITLE XX PROGRAMS SHOULD BE ADMINISTERED FROM A SEPARATE OFFICE LOCATED IN WASHINGTON, D.C.
6. TITLE XX, WHETHER ADMINISTERED BY A TRIBE OR A STATE, SHOULD NOT SUPPLANT OR REDUCE ANY EXISTING FEDERAL PROGRAM SERVING INDIANS.
7. REVISION OF TITLE XX SHOULD TAKE INTO CONSIDERATION THE DIFFERENT LEGAL STATUS OF RESERVATIONS IN P.L. 280 STATES AND NON-P.L. 280 STATES.
8. PROVISION SHOULD BE MADE FOR PARTICIPATION IN TITLE XX BY URBAN INDIANS.
9. INDIAN TITLE XX PROGRAMS SHOULD TO THE EXTENT POSSIBLE BE OPERATED BY INDIANS FOR INDIANS.
10. INDIANS SHOULD SET THE STANDARDS FOR OPERATION OF INDIAN TITLE XX PROGRAMS REGARDLESS OF THE LEGAL STATUS OF THE INDIAN GROUP.
11. TITLE XX FUNDS SHOULD BE CHANNELED TO INDIAN PROGRAMS IN THE FORM OF DIRECT PAYMENT RATHER THAN BY REIMBURSEMENT.
12. TITLE XX FUNDS AVAILABLE TO INDIANS SHOULD BE BASED ON A WEIGHTED FORMULA SUCH AS THE FORMULA USED TO ALLOCATE CETA GRANTS.
13. INDIVIDUAL INDIAN TITLE XX GRANTEES SHOULD BE ABLE TO USE THEIR GRANT FOR TRAINING PURPOSES.
14. INDIAN GRANTEES SHOULD BE ABLE TO COMBINE TITLE XX FUNDS WITH OTHER FEDERAL GRANTS.
15. INDIAN TITLE XX GRANTEES SHOULD BE ALLOWED TO LIMIT THE NUMBER OF PROGRAMS FUNDED BY THEIR GRANTS.
16. INDIAN TITLE XX GRNATEES SHOULD BE ALLOWED A START-UP PERIOD OF UP TO A YEAR.
17. INDIAN TITLE XX GRANTEES SHOULD BE ABLE TO OBTAIN TRAINING AND TECHNICAL ASSISTANCE FROM THE BUREAU OF INDIAN AFFAIRS AND THE INDIAN HEALTH SERVICES.
18. NO CONSENSUS WAS REACHED ON WHETHER INDIAN TITLE XX FUNDS SHOULD BE SET ASIDE FROM THE PRESENT 2.5 BILLION DOLLAR AUTHORIZATION OR BE AN ADDITIONAL AUTHORIZATION.

(ATTACHMENT B.)

WASHINGTON STATE TRIBES AND URBAN INDIAN ORGANIZATION RECOMMENDATIONS FOR INDIAN TITLE XX LEGISLATIVE AND PROGRAM REGULATIONS AMENDMENTS

May 19, 1977 - SEATTLE, WASHINGTON

1. Indian tribes and groups should be allowed to contract directly with the Federal Government.

2. Intertribal groups and consortiums should be allowed to receive direct Title XX funds.

3. Title XX should be comprehensively amended to insure Indian participation. Amendment may take the form of a separate title for Indians.

4. Indian groups should not be required to provide matching funds to obtain direct Title XX funding.

5. Indian Title XX programs should be administered from a separate office located in Washington, D.C. Technical assistance may be provided by personnel stationed in the regions.

6. Title XX, whether administered by a tribe or a State, should not supplant or reduce any existing Federal, State and County programs serving Indians.

7. Revision of Title XX should take into consideration the different legal status of reservations in P.L. 280 states and non-P.L. 280 states.

8. Provision should be made for participation in Title XX by urban Indians.

9. Indian Title XX programs should to the extent possible be operated by Indians for Indians.

10. Indians should set the standards for operation of Indian Title XX Programs regardless of the legal status of the Indian group.

11. Title XX funds should be channeled to Indian programs in the form of direct payment rather than by reimbursement.

12. Title XX funds available to Indians should be based on a weighted formula, such as the formula used to allocate CETA grants.

13. Indian grantees should be able to combine Title XX funds with other Federal grants.

14. Indian Title XX grantees should be allowed to determine the number of programs funds by their grants.

15. Indian Title XX grantees should be allowed a start-up period of up to a year.

16. Indian Title XX grantees should be able to obtain training and technical assistance from the new office administering the Title XX Indian section.

17. There should be an additional authorization to fund the direct Title XX grants to tribes and organizations.

18. The eligibility criteria for urban Indian organizations to receive funding should be based on a majority of the organization's board being "Indian" under the current HEW definition.

19. Advance monies for needs assessments should be made available to tribes and Indian organizations.

20. In off-reservation areas advance monies for needs assessments should be available and actual funding awarded on a competitive basis.

21. Tribes and organizations in 280 states should be guaranteed Title XX contracts with the State if the tribe or organization so desire.

22. Tribes and organizations in 280 states should be guaranteed foster care payments to tribally licensed foster homes without the home having a state license.

23. The service population of each tribe and off-reservation Indian community should be defined separately according to their specific circumstances.

24. Washington Indian tribes prefer that Title XX grants to tribes be administered by HEW rather than BIA, IHS, or ONAP. Possibly a separate component under the administration of Arabella Martinez, Assistant Secretary for Human Development.

25. Direct Title XX funding to tribes and organizations should not mandate any specific services.

26. Tribes should have individual option to receive direct Title XX funding, to contract with states to provide Title XX services or to receive Title XX services from the State, or any combination of the above.

(ATTACHMENT B. continued)

May 19, 1977 - SEATTLE, WASHINGTON

27. There should be an adequate set-aside fund for Title XX Indian grantees for staff development and training from a separate training fund, but if that fund is not available or is insufficient Indian tribes or organizations should have the option of utilizing Title XX service monies for training purposes.

28. There should be mutually developed by tribes and the Federal Government a simplified reporting and accounting procedure that will not cause a reduction in services provided by tribes who receive direct Title XX grants.

29. This amendment should contain a provision that allows tribes to develop a set of standards that is relevant to reservations. For example:

    a. Child Care licensing
    b. Adoption
    c. Foster Care
    d. Day Care
    e. Child protection services.

30. Reinforce the rights of tribes and urban Indian communities to form separate geographic planning and service delivery areas for Title XX.

31. Specific legislative language protection for tribes who enter into Title XX contracts with State agencies protecting tribal sovereignty.

32. Amendment should include the exemption of ALL Indian-related trust income from consideration as income in determining eligibility.

33. Amendment should include tribal access to educational grants for tribal social service employees.

34. Amendment should include employment grants to tribes to train and employ Indian public assistance recipients in tribal social service programs. Also, the income derived thereof shall be exempt and not deducted from public assistance grants.

35. P.L. 94-401 child day care services under Title XX should also be amended to address the unique day care needs of Indian reservations.

36. The amendment should specify that the federal day care standards shall not supercede tribal day care standards developed by tribes for their specific reservation.

37. This amendment should provide for a waiver by which a tribe can exempt the establishment of a fee for service scale in respect to services provided with the Indian Title XX grant.

38. The amendment should clarify that Indian people receiving Title XX grants shall be responsible for providing services to non-tribal members residing on the reservation only at individual tribal option.

39. The Bureau of Census should undertake a full census of the Indian population to obtain a more accurate count of the actual Indian population.

40. Department of Health, Education, and Welfare will review State's delivery of Title XX social services to Indians and force them to comply with Federal regulations.

HOUSING AND WELFARE

Policy Resolution No. 6
PROVISION OF SERVICES TO AMERICAN IDNIANS AND ALASKA NATIVE ELDERLY
Adopted September 20, 1977

WHEREAS: The National Congress of American Indians has been distressed and concerned about the inadequacy of supportive services provided to the American Indian and Alaska Native elderly through the existing service system; and

WHEREAS: where such services are being provided, they generally follow criteria established for members of the non-Indian population, which do not fulfill the needs of the Indian elderly to live out their lives according to their own accustomed cultural, emotional and nutritional needs; and

WHEREAS: the elected governments of the American Indian and Alaska Native communities represent the principle of the inherent sovereignty of the American Indian tribes and Alaska Native entities, which has been acknowledged and affirmed by the Government of the United States; and

WHEREAS: the elected governing bodies of the American Indian and Alaska Native entities represent legally constituted units of general purpose local government; and

WHEREAS: there exist legal precedents to the recognition of such tribal governments for purposes of prime sponsorship of federally funded programs in such legislative acts as the Comprehensive Employment and Training Act, the Revenue Sharing Act, etc.; and

NOW THEREFORE BE IT RESOLVED by the National Congress of American Indians, in a meeting assembled this 20th day of September, 1977, that legislation proposed by the National Indian Council on Aging to have provisions included in the 1978 Older Americans Act Amendments for direct funding of federally recognized American Indian tribes and Alaska Native entities under all appropriate titles of the Older Americans Act at the option of the respective tribal governments and on the basis of locally determined need, rather than based on a standard per capita formula, are hereby endorsed and supported; and

BE IT FURTHER RESOLVED that the Congress of the United States is hereby urged to take favorable action on such amendments, including the establishment of a definite Indian set-aside with the provison that, in no event, shall any American Indian tribe or Alaska Native entity be entitled to less funds than they would have received under the current system of services under the Older Americans Act.

PROPOSED BILL

To provide for direct funding to American Indians through the Older Americans Act of 1965, As Amended and Related Acts (42 U.S. Code Section 3001, Et. Seq.); to provide that the Federal Government fulfill its unique trust responsibilities to American Indian tribes and tribal organizations; to provide for the full participation of Indian tribes in programs and services conducted by the Federal Government for elderly Indians; to provide that the Federal Government foster and encourage self-determination for Indians and Indian tribes consistent with announced federal policy; to provide that the Federal Government properly recognize that Indian tribes are quasi-sovereign entities both capable and fully qualified to administer this program; to support the right of Indian citizens to control their own program for the elderly; and to provide that the special needs of the elderly Indians which have not been met under existing federal grant formulas are met; and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I - SHORT TITLE AND DECLARATION OF POLICY

Sec. 101. Short Title

This Act may be cited as the "Older American Indian Relief Act of 1977".

Sec. 102. Declaration of Policy

Under the present system of funding programs under this Act, Indians are generally not receiving services equivalent to those provided members of other ethnic groups.

There is a compelling need, based on the historic and legal trust relationship between the Federal Government and Indian tribes, to administer these programs at the national level by direct funding to Indian tribes and tribal organizations. The elected governments of these Indian tribes are, in effect, units of general purpose local governments and as such have primary responsibility to administer services to their members, including the elderly.

It is the purpose and policy of this Act to enhance the progress of Indian people and their community by providing Indians the full opportunity to utilize leadership skills crucial to the realization of self-government and to provide the Indian people an effective voice in the planning and implementation of the Older Americans Act.

It is the further purpose and policy of this Act to provide adequate and efficient delivery of services to the elderly tribal members through direct channelling of program funds appropriated under this Act from the Federal level to the tribes.

TITLE II - AMENDMENT OF THE OLDER AMERICANS ACT

Sec. 201. Amendment of the Older Americans Act

The sections of this Act amend the Older Americans Act by providing for a new Title X to the existing law. No. provisions of this Act are intended to detract from the existing law, nor should allocations of monies now received by the Indians through the states be altered until this Act is effective.

Sec. 202. Definitions

For the purposes of this Title, the term --
(a) "Indian" means a person who is a member of an Indian tribe;
(b) "Indian tribe" means any Indian tribe, band, nation, or other organized group or community,

including any Alaska Native village or other regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act, which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians;

(c) "Indian Tribal Organization" means the recognized governing body of any Indian tribe and legally established organization of Indians which is controlled, sanctioned, or chartered by such governing body or which is democratically elected by the adult members of the Indian Community to be served by such organization and which includes the maximum participation of Indians in all phases of its activities;

(d) "Commissioner" means the Commissioner of the Administration on Aging.

Sec. 203. Office of Indian Programs

(a) For purposes of administering this Title, the Commissioner shall establish an Office of Indian Programs in the Administration of Aging with specific responsibility for the Indian aging and having authority to: (1) provide technical assistance and advice to the Commissioner in the development of Older Americans programs; (2) serve as the liaison with the National Indian Council on Aging; (3) assist in the submission of grant applications; (4) review grant applications submitted by an Indian tribe or tribal organization, and recommend action thereon to the Commissioner; (5) administer any contracts with or grants to Indian tribes and tribal organizations with information about the availability of funds and programs for the Indian elderly.

(b) Upon expiration of the grant under which it is currently operating, and/or passage of this amendment, the National Indian Council on Aging shall become a permanent body.

Sec. 204. Direct Funding to Tribes and Tribal Organizations

(a) Nothwithstanding any other provision of this Act to the contrary, from funds appropriated to carry out the programs for the aging pursuant to the Older Americans Act, the Commissioner shall set aside such funds as he deems necessary to be used exclusively by Indian tribes and tribal organizations to develop, administer and operate such programs as are provided for under all Titles of the Act.

(b) (1) From one-half of the sums set aside under subsection (a), each tribe shall be allocated an amount which bears the same ratio to such sum as the population of eligible age in such tribe bears to the population of eligible age in all federally recognized tribes.

(2) The reamining one-half of the sums set aside under subsection (a) shall be allocated by the Commissioner among tribes and tribal organizations on the basis of need and in light of the number and stope to grant applications submitted and approved.

(3) Provided that the Commissioner, at the request of any Indian tribe or tribal organization, may permit the use of funds appropriated to carry out programs under one Title of this Act for the purpose of carrying out programs under any other Title; provided further that the federal contribution shall be one hundred percent for all programs; and provided further that an Indian tribe or tribal organization electing to receive directfunding from the Commissioner under this Title shall receive funding on a basis which is at least equal to the value of services provided to the non-Indian eligible population in the state or states in which it is located.

(c) Any Indian tribe or organization may, at its option, elect not to receive funding for its elderly programs from the funds set aside under this Title and elect instead to continue receiving its funds through its respective state or area agency on aging. Such tribe or organization, upon notifying the Commissioner, shall not be eligible to receive funds under this section. Provided that, the Commissioner shall assist such tribe or tribal organization to obtain such funding from the respective State Agency; and provided further, that, in the event any state agency cannot demonstrate to the satisfaction of the Commissioner that the members of such Indian tribe or tribal organization are receiving benefits from such State Agency under any Title of this Act that are equivalent to benefits provided to other older persons in the State, and that the Commissioner finds that the members of such tribe or tribal organization would be better served by means of grants made directly to provide such benefits, he shall reserve from sums that would be otherwise allocated to such state not less than 100 percent nor more than 150 percent of an amount which bears the same ratio to the state's allotment for the fiscal year involved as the population of all Indians eligible for benefits for whom a determination under this paragraph has been made bears to the population of all persons elegible for benefits under this Act in such state. The funds so reserved shall be made directly available to such tribe or tribal organization.

(d) Any two or more Indian tribes or organizations may combine to make an application for funds under this Act.

(e) The Commissioner shall be empowered to establish such standards and regulations as may be necessary for administration and accounting of the funds disbursed under this Act.

Sec. 205. Tribal Plans

Sec. 305 and Sec. 306 of the Older Americans Act of 1965 (42U.S.C. 3002(5) are amended by adding after the word "state" wherever it appears, the following: ", and Indian Tribal Organization".

HEALTH & WELFARE

Policy Resolution No. 7
NATIONAL INDIAN BOARD ON ALCOHOLISM & DRUG ABUSE
Adopted September 20, 1977

WHEREAS: The NIBADA is an organization designed to represent 10 DHEW regions, the Navajo Nation, Alaska Natives, 164 Indian Alcoholism projects; and

WHEREAS: the NIBADA is constituted to interface with local, state, and federal agencies to foster productive meaningful administrative agents and management relationships for Indian alcoholism and drug abuse programs; and

WHEREAS: the NIBADA declaration for:

Adequate Management/Administrative Service
Adequate Program staff and funds
Adequate program policy directive & consultation with IHS

is necessary to absolve and arrest the severe consequences of alcoholism and drug abuse with the American Indian.

Specifically, the NIBADA requests of IHS the following resultions pertaining to PL94-437, Title II, Sec. (5).:

1. Establishment of central office staff by October 1, 1977 for implementation of PL 94-437 with direct line authority to IHS area alcoholism coordinators;
2. Establishment of central office functions to:
   a. develop policy and procedure
   b. administer funds
   c. direct training and evaluation activities
   d. assist in establishment of 10 IHS area alcoholism coordinators
3. The central office shall have direct line authority to training and evaluation staff and 10 IHS area coordinators.
4. Development of job descriptions consistent in all areas pertaining to the area alcoholism coordination shall be established by the Director of IHS with due consultation from NIBADA and tribal groups as defined by PL 93-638.
5. Alcoholism program projects be included and updated into the Resource Allocation Criteria
6. Establish the procedure for hiring the 10 area alcoholism coordinators in agreement with recommendations of local alcohol programs and tribal groups.
7. Allocation of surplus NIAAA monies that are available as a result of implementation of 94-437 shall be designated for Indian programming in the following areas:
   a. supplemental grants
   b. new start up grants
   c. approved, but unfunded, grants

The NIBABA hereby requests that NCAI cooperatively seek and find deposition of the above mentioned items concerning PL 94-437 Title II, Sec. (5).

HEALTH & WELFARE

Policy Resolution No. 8
CONTINUATION OF AMERICAN INDIAN HEALTH CAREER COUNSELING PROGRAMS UNDER P.L. 94-484, THE HEALTH PROFESSIONS EDUCATION ACT OF 1976

Adopted September 20, 1977

WHEREAS: Public Law 94-484, the Health Professions Education Act was passed in 1976; and

WHEREAS: Public Law 94-484 amends the Public Health Service Act; and

WHEREAS: Section 787 of Public Law 94-484 provides for Health Career Opportunity Programs; and

WHEREAS: In the past Health Career Opportunity programs were operated by Indian tribes and Indian organizations for Indian students in grades six through twelve, under the 1971 Health Education Profession Act; and

WHEREAS: Programs for FY 78 under section 787 of Public Law 94-484, 1978 will be distributed according to preliminary regulations; and

WHEREAS: Indian tribes and Indian organizations will be forced to compete for funds and if funded must serve only Indian students who are high school seniors or above; and

WHEREAS: The limitation to serve Indian students at the senior or above grades restricts the potential impact of the program in the following ways:

a. it eliminates the opportunity to impact Indian children during their formative years.

b. eliminates planned skill development through a foundation of health oriented course work available only during the first 12 years of schooling.

c. eliminates the opportunity for early identification of Indian students with high academic potential for success in a health profession.

d. it severely restricts the opportunity of Indian tribes and Indian organizations to provide encouragement and counsel for students desiring a career in the health fields.

e. it forces unprepared Indian students to bear undue frustration, embarrassment, and creates undue pressure on the student by having to undertake remedial programs at the improper stage of development - the college level.

f. it restricts incentive and motivations of Indian students to successfully complete high school.

g. it infringes upon the sovereign right of Indian tribes to determine their educational needs as Indian citizens.

THEREFORE BE IT RESOLVED that the National Congress of American Indians at the 1977 Annual Convention in Dallas, Texas oppose the restriction of health career counseling of Indian students to high school seniors or above and support the continued health career counseling for grades six through twelve as has been the past practice.

BE IT FURTHER RESOLVED that the NCAI cause the permanent regulations when published for Indian Health Career Counseling Programs to allow service to Indian students from grades six through twelve.

BE IT FURTHER RESOLVED that the NCAI support the continuation of the American Indian Health Career Counseling Programs and work for higher appropriations so that more Indian students become aware of the professional opportunities that are available to them in the health field so they can begin preparing themselves academically at an earlier age for entry into the health fields.

HEALTH & WELFARE

Policy Resolution No. 9
WELFARE REFORM
Adopted September 20, 1977

WHEREAS: the Carter administration is developing a proposal to restructure the present welfare system which proposal has recently been finalized and sent to Congress for its consideration; and

WHEREAS: the thrust of the proposal allows states to act as primary administrators for said programs; and

WHEREAS, the Carter welfare reform proposal fails to address the unique sovereignty status of American Indian tribes as expressed in P.L. 93-638;

THEREFORE BE IT RESOLVED that the National Congress of American Indains strongly protests the omission of tribal sovereignty status, as recently affirmed by Congress in the Indian Self-Determination Act, in that the administration proposal does not provide for tribal operation of the cash portions of the Welfare Reform Plan. The General Assembly of the National Congress of American Indians hereby directs the Executive Director of NCAI to send telegrams to the following persons of NCAI members' dissatisfaction with President Carter's plan: President Carter; Joseph Califano, Secretary of HEW: Cecil Andrus, Secretary of the Department of Interior; Forrest Gerard, Assistant Secretary for Indian Affairs; Bert Lance, Director OMB and Representative James Cormon, Chairman of the Public Assistance Subcommittee of the Ways and Means Subcommittee.

The following Resolutions, pages 81-105, were referred to the January Executive Council meeting from the convention and adopted.

Resolutions on Pages 107-110 were introduced and adopted at the Executive Council meeting.

RESOLUTION COMMITTEE

Policy Resolution No. 1

WORLD WAR II DEBRIS REMOVAL IN THE ALEUTIANS

Adopted by NCAI Executive Council on January 20, 1978

WHEREAS: the Aleuts living in the Aleutian Chain area were the dependent sovereigns who suffered the most during World War II; and

WHEREAS: the United States Government has at long last decided to clean up the debris left in the Aleutians and the Alaska Peninsula as a result of World War II; and

WHEREAS: the Aleuts living in the Aleutian Chain area historically have not been able to benefit from the wealth that has been taken out of their area - fur seals, fisheries, military operations, construction, State and Federal construction and various other program funding; and

WHEREAS: the people do not have the financial resources to effectively participate in the implementation of the 200 mile fishing limit or other economic enterprises forthcoming in their area; and

WHEREAS: Aleutian/Pribilof Island Association has proposed to be the prime contractor for the villages affected in the debris cleanup as a result of World War II in the Aleutian Chain and the Alaska Peninsula area; and

WHEREAS: Aleutian/Pribilof Island Association plans to use any profits from the contract to establish a permanent revolving trust fund to be used by the people to enhance their socio-conomic opportunities;

NOW, THEREFORE, BE IT HEREBY RESOLVED that in support of the Proclamation of the Aleutian/Pribilof Island Association as the prime contractor of this project, we, the National Congress of American Indians, pledge our efforts to the intent and accomplishment of this work.

RESOLUTION COMMITTEE

Policy Resolution No. 2

REQUEST FOR EXTENSIVE FIELD HEARINGS REGARDING THE POLICIES OF THE REGIONAL ACTING PLANNING COMMISSIONS ESTABLISHED BY THE PUBLIC WORKS & ECONOMIC DEVELOPMENT ACT OF 1965

Adopted by NCAI Executive Council on January 20, 1978

WHEREAS: Regional Acting Planning Commissions were organized by the Public Works and Economic Development Act of 1965, specifically outlinging their functions in alleviating economic inequities within certain regions of the United States; and

WHEREAS: monies made available thorugh the Act are channeled to the regions through Regional Boards composed of State governors; and

WHEREAS: Indian participation in the decisions rendered by these boards does not exist; and

WHEREAS: in the case of the Old West Regional Commission, whose funding in the years of its existence has been substantial millions of dollars, whose funding for the last year of operation alone has been over eleven million dollars; and

WHEREAS: only three Indian entities in the entire existence of the Old West Regional Commission have been funded for a total of $410,000.00; and

WHEREAS: this total amount of monies funded to Indian tribes and organizations represents only the tiniest fraction of the total funding of the Old West Commission; and

WHEREAS: this faction is completely inappropriate given chronic levels of unemployment and underemployment of Indian reservations in the Old West region; and

WHEREAS: this fraction is completely inappropriate given the relative potential for massive natural resource development, and resultant social and environmental consequences affecting Indian tribes; and

WHEREAS: there is every indication that these low levels of funding are typical of the performances of all the Regional Action Planning Commissions; and

WHEREAS: it is apparent that tribes have been systematically denied monies made available under the Act;

THEREFORE BE IT RESOLVED that the National Congress of American Indians support this resolution of the Northern Cheyenne Tribe in urging the Senate Committee on Environment and Public Works to conduct extensive field hearings into the ongoing work, priorities and policies of the Regional Action Planning Commissions to determine the effectiveness of those organizations in meeting the needs of Indian people.

RESOLUTION COMMITTEE

Policy Resolution No. 3
ALASKA TRUST LANDS

Adopted by NCAI Executive Council on January 20, 1978

WHEREAS. on May 20, 1943, the Secretary of the United States Department of Interior, Oscar L. Chapman, pursuant to authority vested in him by the Act of May 1, 1936 (49 Stat. 1250) designated an Indian reservation for the exclusive use and occupancy of the inhabitants of the villages of Artic, Venetie, Robert's Fish Camp and Christian to be governed under an IRA Constitution and By-laws entitled the NATIVE VILLAGE OF VENETIE TRIBAL GOVERNMENT, ratified January 25, 1940; and

WEHREAS: the western Boundary of the Reservation is the center of the main channel of the Chandalar River; a portion of the Eastern boundary being the center of the main channel of the Christian River; the southern boundary being the north bank of the Yukon River, wherein all rights including hunting, fishing and water rights were specifically granted to the Indian inhabitants; and

WHEREAS: the Alaska Native Claims Settlement Act required the Indians of the Venetie Indian Reservation to choose within two years of the Act whether to participate in the settlement by accepting a smaller amount of land together with large sums of money or to retain the Reservation and take no money; and

WHEREAS: an election was held under the supervision of the Bureau of Indian Affairs wherein the Indians of the Venetie Indian Resrevation voted unanimously to retain the Reservation and accept no money; and

WHEREAS: the Bureau of Land Management has completed a survey of the Reservation and established permanent monuments at two mile intervals and the eastern land boundary was corrected by the Chief Cadastral Surveyor to the satisfaction of the Reservation Indians; and

WHEREAS: the NATIVE VILLAGE OF VENETIE TRIBAL GOVERNMENT has specifically requested by letter to President Carter and his administration that the title to these lands be immediately transferred to the Reservation villages in accordance with teh Alaska Native Claims Settlement Act, December 18, 1971; and

WHEREAS: the NATIVE VILLAGE OF VENETIE TRIBAL GOVERNMENT specifically requested through a letter of August 13, 1976 to Commissioner of Indian Affairs, Morris Thompson, that the Secretary of the Interior retain this Reservation in trust for the exclusive use nad occupancy of the Tribe.

NOW THEREFORE BE IT HEREBY RESOLVED, that the National Congress of American Indians supports the NATIVE VILLAGE OF VENETIE TRIBAL GOVERNMENT in their efforts to have the Reservation lands accurately surveyed and confirmed in trust to the NATIVE VILLAGE OF VENETIE TRIBAL GOVERNMENT by the United States Government.

RESOLUTION COMMITTEE

Policy Resolution No. 4
MEDICAL FACILITIES FOR THE ALEUTS IN THE ALEUTIAN AREA

Adopted by NCAI Executive Council on January 20, 1978

WHEREAS: the Aleuts in the Aleutian/Pribilof Islands Association are located in a group of islands stretching approximately 2,000 miles West of Anchorage; and

WHEREAS: there are no medical facilities located in these islands - forcing these Aleuts to travel over 1,000 miles in order to obtain medical attention; and

WHEREAS: this situation has forced the Aleuts in these islands to give birth to their children in a hospital located over 1,000 miles from their homeland;

NOW THEREFORE BE IT RESOLVED that the National Congress of American Indians supports the request of the Aleutian/Pribilof Islands Association for the immediate construction of a hospital in the Aleutian Chain area.

RESOLUTION COMMITTEE

Policy Resolution No. 5
RETURN 16,000 ACRES TO SANTA ANA PUEBLO

Adopted by NCAI Executive Council on January 20, 1978

WHEREAS: approximately 200,000 acres of aboriginal title lands belonging to the Pueblo of Santa Ana were seized by the United States Department of the Interior in 1937 for administration under the Taylor Grazing Act, 48 Stat. 1269 (Act of June 28, 1934); and

WHEREAS: since 1937 the Department of the Interior has issued grazing permits to non-Indians covering all but a small portion of these lands, which were permitted to the Pueblo of Santa Ana, and large portions have been leased for mineral exploration and development and for other purposes; and

WHEREAS: the members of the Pueblo of Santa Ana have been deprived of the use of these lands since 1937, which has irreparably harmed the Pueblo and impoverished its members; and

WHEREAS: applicable federal law clearly holds that Indian lands cannot be taken in the absence of the express authorization of the Congress of the United States; and

WHEREAS: the Taylor Grazing Act expressly states that Indian lands are not to be included with lands to be managed by the Department of the Interior under the Act; and

WHEREAS: it is apparent that the Department of the Interior was not authorized to appropriate Indian lands under the Taylor Grazing Act, the Taylor Grazing Act did not extinguish the aboriginal title of the Pueblo of Santa Ana, and the acts of federal officials including the Santa Ana lands in New Mexico Taylor Grazing District No. 2 were ultra vires their authority and unlawful;

WHEREAS: approximately 25,000 acres of the Santa Ana aboriginal lands lying in Sandoval County, New Mexico are still under the management and control of the Bureau of Land Management, Department of the Interior; and

WHEREAS: Congressman Manuel Lujan of New Mexico has introduced into the United States Congress H.R. 3924 which will return to the Pueblo of Santa Ana some 16,000 acres of its aboriginal lands;

NOW, THEREFORE, BE IT RESOLVED that the National Congress of American Indians strongly supports the passage of H.R. 3924 and calls upon Senators Pete Domenici and Harrison Schmidt of New Mexico to promptly introduce and support comparable legislation in the United States Senate.

RESOLUTIONS COMMITTEE

Policy Resolution No. 6

LAND BASE FOR STILLAGUAMISH TRIBE

Adopted by NCAI Executive Council on January 20, 1978

WHEREAS: the Stillaguamish Indian Tribe is now a newly federally recognized tribe by the Department of the Interior; and

WHEREAS: the recognition of the Stillaguamish is that of a conditional one; and

WHEREAS: this recognition does not include the allowance for the Stillaguamish Tribe to establish a land base; and

WHEREAS: the Stillaguamish Indian Tribe has four (4) lots willed to the Tribe; and

WHEREAS: the Department of Interior has failed to recognize that the Tribe has the means to establish a land base with these four (4) lots located at Oso, Washington;

NOW THEREFORE BE IT RESOLVED, that the National Congress of American Indians, of which the Stillaguamish Indian Tribe is a member of, demand that the Bureau of Indian Affairs and the Department of Interior recognize that the Stillaguamish Tribe has the land necessary to establish its land base; and

BE IT FURTHER RESOLVED, that National Congress of American Indians recommend that the Secretary of the Department of Interior instruct the Bureau of Indian Affairs to convey the four (4) lots located at Oso, Washington to trust on behalf of the Stillaguamish Indian Tribe.

RESOLUTIONS COMMITTEE

Policy Resolution No. 7

LAND ACQUISITION

Adopted by NCAI Executive Council on January 20, 1978

WHEREAS: the Benton Paiute Reservation has been over looked by the federal government from 1915 to 1971 when it was accidentally discovered; and

WHEREAS: the present land base is 160 acres with no potential natural resources sufficient land base for economic development; and

WHEREAS: due to the isolation of the Reservation, the poor employment potential, the poor health and other social and public services in the areas, a large land base is needed; and

WHEREAS: there is for sale 1,300 acres adjacent to the Reservation on the North side which has the following resources and benefits,

(a) Six (6) water springs, one being hot (200),

(b) 700-800 acres, of pasture land,

(c) 1,000 acres, (including item b) of prime agricultural land,

(d) and a site for industrial development

(e) U.S. highway six is within 1.3 miles of the proposal land acquisition, a major trucking route and,

WHEREAS: the tribe has to take the initiative to develop the services and employment for their membership and for the non-Indians that reside near the reservation. In order to accomplish this aspect and to work toward self-sufficiency and self-determination, the additional land has to be acquired; and

WHEREAS: the Utu Utu Gwaitu paiute tribe, Benton Paiute Reservation is organized purusant to the Indian Reorganization Act of 1934 (IRA), section 16; and

WHEREAS: The Utu Utu Gwaitu paiute tribe has requested land acquisition funds from the Sacramento Area Office of the Bureau of Indian Affairs, who transmitted our request to the central office of the Bureau of Indian Affairs in Washington, D.C. - a request based on the IRA, Section 5.

NOW, THEREFORE BE IT RESOLVED, that the National Congress of American Indinas (NCAI) support the efforts of the Utu Utu Gwaitu paiute tribe, Benton Paiute Reservation in requesting land acquisition funds from the Bureau of Indian Affairs,

BE IT FURTHER RESOLVED, that the NCAI's staff work with the tribe in obtaining the funds for land acquisiaion from the Bureau of Indian Affairs, using the Indian Reorganization Act of 1934, Section 5.

BE IT FINALLY RESOLVED, that the NCAI draft and introduce into Congress a bill amending out the discretionary aspect of Indian Reorganization Act of 1934, and submit in it's place "shall"

RESOLUTION COMMITTEE

Policy Resolution No. 8

LAND ACQUISITION - KALISPEL TRIBE

Adopted by NCAI Executive Council on January 20, 1978

WHEREAS: A belated executive proclamation of 1914 established the present tiny 4,600 acre Kalispel reservation consisting of mountain side and flood plain which was entirely allotted to individual members leaving no land base for the support and perpetuation of the tribal entity; and

WHEREAS: those allotments were only 40 acres each in marked contrast to the 160 acre or more allotted to members of other local tribes with large land bases remaining for the support of the tribes; and

WHEREAS: the Kalispel Tribe is seeking thru administrative order and legislation the acquisition of about 8,000 acres of adjacent national forest lands.

NOW, THEREFORE, BE IT RESOLVED, that the National Congress of American Indinas wholeheartedly supports the Kalispels in their admirable effort to acquire a land base for the economic betterment of their people and the perpetuation of the tribe.

BE IT FURTHER RESOLVED, that the National Congress of American Indinas hereby request that the Bureau of Indian Affairs, Department of Interior and Congressmen, and Senators take positive steps to help the Kalispel people in this honorable and just attempt to establish a more adequate land base for their people.

RESOLUTION COMMITTEE

Policy Resolution No. 9

A RESOLUTION CONDEMNING THE FARMERS HOME ADMINISTRATION

Adopted by NCAI Executive Council on January 20, 1978

WHEREAS: the farmers home administration has a loan program for land acquisition by Indian tribes; and

WHEREAS: there are unique requirements that the farmers home administration places on Indian tribes; and

WHEREAS: Indian tribes with limited resources are unable to comply with the stringent requirements at the Farmers Home Administration; and

WHEREAS: the Lummi Indian Business Council has requested the Farmers Home Administration to alter their regulations to reflect the ability of each Indian tribe to provide an accurate financial statement for the four years prior to the year of application; and

WHEREAS: the Farmers Home Administration has failed to heed prior resolutions of the National Congress of American Indians requesting more active locan programs to small and to relatively poor tribes.

NOW, THEREFORE BE IT RESOLVED THAT: the National Congress of American Indians condemns the Farmers Home Administration for its failure to assist all tribes to acquire land through its tribal land acquisition loan programs; and

BE IT FURTHER RESOLVED THAT the National Congress of American Indians shall investigate the regulations of the Farmers Home Administration to determine the unique or unduly burdensome requirements placed upon tribes by the Farmers Home Administration; and

BE IT FURTHER RESOLVED THAT the National Congress of American Indians work with its member tribes and the Farmer's Home Administration to eliminate these unique or unduly burdensome requirements; and

BE IT FURTHER RESOLVED THAT the National Congress of American Indians supports the Lummi Indian Business Council request to the Farmers Home Administration to eliminate all unique requirements to Indian tribes in their loan applications.

NO RESOLUTION #10

RESOLUTION COMMITTEE

Policy Resolution No. 11

SUPPORT FOR BLACKFEET TRIBAL COUNCIL EFFORTS TO MEET REQUIREMENTS UNDER P.L. 93-288

Adopted by NCAI Executive Council on January 20, 1978

WHEREAS: Glacier County Montana including the larger portion of the Blackfeet Indian Reservation has been declared a Drought Disaster Area by presidential declaration; and

WHEREAS: Federal Disaster Assistance has been made available to Glacier County persuant to Public Law 93-288; and

WHEREAS: this disaster assistance is on Emergency Livestock Feed Program to be administered by the Glacier County A.S.C.S. office; and

WHEREAS: the Federal Disaster Assistance Program pays fifty percent of the feed cost, and the recipient fifty percent; and

WHEREAS: the Blackfeet Indian Livestock Association are financially unable to meet the recipient fifty percent cost share due to drought conditions; and

NOW THEREFORE BE IT RESOLVED, that the National Congress of American Indians support the Blackfeet Tribal Business Council's efforts to borrow $150,000 from the Indian Credit Consortium to meet the recipients share of of the Federal Disaster Feed Program.

RESOLUTION COMMITTEE

Policy Resolution No. 12

TO DEVELOP FORMULA FOR THE DISTRIBUTION OF JOHNSON O'MALLEY SUPPLEMENTAL FUNDS

Adopted by NCAI Executive Council on January 20, 1978

WHEREAS: The Bureau of Indian Affairs (BIA) formula for distribution of Johnson O'Malley (JOM) funds for FY77 and FY 78 has an extremely negative effect on the education advancement of Indian students; and

WHEREAS: the BIA distribution formula greatly reduces the amount of funds available to the Minnesota Chippewa Tribe, and to 16 states in the Nation

WHEREAS: the BIA formula is unequal in its distribution of JOM funds; and

WHEREAS: the BIA formula awards states which have education as a low priority, and penalizes states which have education as a high priority; and

WHEREAS: the BIA does not have national, regional, and tribal approval of the distribution formula as mandated by Title II of PL 93-638, and therefore illegal.

THEREFORE BE IT RESOLVED that National Congress of American Indians support the Minnesota Chippewa tribe in urging the appropriate subcommittees to review and recommend a formula that is equalible and beneficial to the majority of the state and Indian tribes.

RESOLUTION COMMITTEE

Policy Resolution No. 13
NATIVE AMERICAN ECONOMIC STIMULUS PROGRAM (NAESP)
Adopted by NCAI Executive Council on January 20, 1978

WHEREAS: The Native American economic stimulus program (NAESP) of the U.S. Department of Labor has proven to be an innovative, creative program design, and is the most promising new program in recent years that furthers the principles of the Indian Self-Determination and Education Act of 1973; and

WHEREAS: the acceptance and support by tribal leaders has been enormous. This is witnessed by the fact that over 170 proposals totaling more than $60 million in requests have been submitted for six NAESP program categories for which only $14 million is available; and

WHEREAS: this level of response indicates the high degree of need, and tribal committment to solving these needs.

NOW, THEREFORE BE IT RESOLVED that the National Congress of American Indians hereby recommends that NAESP be continued at a higher level of funding on a continuous basis. This continuous basis will allow for the constant improvement of the economic conditions of reservations. The annual amount funding should be no less than $40 million.

RESOLUTION COMMITTEE

Policy Resolution No. 14
SCHOOL CONSTRUCTION FOR SPOKANE INDIAN RESERVATION AT WELLPINIT, WA.
Adopted by NCAI Executive Council on January 20, 1978

WHEREAS: through the vigorous and aggressive actions of the Spokane Tribal Business Council, new industries are being developed within the Spokane Indian Reservation creating many job opportunities for Indian people resulting in a steady migration of Tribal members and others back to the reservation; and

WHEREAS: the Sherwood Uranium Mine will employ 210 personnel when fully operational in 1978 and other job opportunities through the Tribal agricultural project in and numerous Tribal and private endeavors, has resulted in an overcrowding of the obsolete Wellpinit Public School which was built in 1938; and

WHEREAS: during the school year 1976-77, the enrollment increased by 49 students which does not allow adequate space per student at present and at least 50 additional students are projected for the next school year and substantially more expected in 1979; and

WHEREAS: the Wellpinit School Board is composed of five Indians and has been pursuing every avenue possible to secure funding to construct a complete new school for grades 3 through 12 to accomodate the projected enrollment increase; and

WHEREAS: the school district tax base is practically non-existent because most land is in trust status which eliminates customary methods of financing new school construction through bond issue; and

WHEREAS: 97% of the 283 students enrolled in the Wellpinit Public School are of Indian descent;and

WHEREAS: Wellpinit is located in an isolated region where considerable travel distances and winter road conditions prohibit any possibility of students attending any other school in the area; and

WHEREAS: without new facilities, the quality of education will suffer extensively lowering educational standards and create an insurmountable problem in housing new students.

NOW, THEREFORE BE IT HEREBY RESOLVED, that the National Congress of American Indians supports the request of the Spokane Tribal Business Council that the Bureau of Indian Affairs include $5,000,000.00 (Five Million Dollars) in their annual school construction appropriations from Congress to build a new school on the Spokane Indian Reservation at Wellpinit, Washington.

RESOLUTION COMMITTEE

Policy Resolution No. 15

SUPPORT FOR THE IMMEDIATE CONSTRUCTION OF A HOSPITAL ON THE GILA RIVER INDIAN RESERVATION

Adopted by NCAI Executive Council on January 20, 1978

WHEREAS: the delivery of medical services and the establishment of adequate medical facilities for American Indians is of utmost importance and a vital need on Indian reservations; and

WHEREAS: the Indian Health Service Hospital now serving the Gila River Indian Reservation is inadequate and not capable of delivering adequate health care to members of the Gila River Indian Community, the Ak-Chin Community or the Papago Tribe; and

WHEREAS: funding for an Indian Health Service Hospital located on the Gila River Indian Reservation has been delayed due to an inaccurate report of the health situation on the Gila River Indian Reservation by the General Accounting Office;

NOW, THEREFORE BE IT RESOLVED that the National Congress of American Indians hereby supports the efforts of the Gila River Indian Community to obtain immediate funding for a hospital on their reservation; and

BE IT FURTHER RESOLVED that the National Congress of American Indians supports the Gila River Indian Community's concern that the construction begin immediately.

RESOLUTION COMMITTEE

Policy Resolution No. 16

NATIONAL COMMISSION ON FEDERAL INDIAN POLICY

Adopted by NCAI Executive Council on January 20, 1978

WHEREAS: The National Congress of American Indians find that the major obstacle to the implementation of tribal government demands for changes in Federal/Indian policy is the absence of a fully instituted mechanism for month-to-month participation of tribal governments in the federal Indian policy making process. The absence of such a tribal mechanism has caused the Executive and Legislative Branches of U.S. Government to avoid the formulation of a consistant and positive Federal/Indian policy. Similarly tribal governments have been reluctant to sanction changes in federal Indian policy because of an inability to enter into a sustained process of deliberations with other tribal governments and the U.S. Government on methods of policy formulation. The result of unsustained communications between tribal and the Federal Government is no change in federal Indian policy which enhances tribal interests.

WHEREAS: with the submission of the American Indian Policy Review Commission's Report to the 95th Congress more than 200 recommendations for changes in federal Indian policy have been made. Many of the recommendations reflect the historical and contemporary views of tribal governments as expressed in resolutions and position papers adopted by the Affiliated Tribes of Northwest Indians, National Tribal Chairmen's Association and the National Congress of American Indians. Many other recommendations to the Congress require more thought and consideration by tribal governments. It is known with certainty that a new federal Indian policy will not come into existance to the satisfaction of tribal governments if the opportunity for month-to-month exchanges between tribal governments and the Federal Governmetn is not provided.

WHEREAS: direct tribal government influence and guidance in the formulation of a new federal Indian policy, is mandatory; and

WHEREAS: the Congress of the United States has recognized in PL 93-580 the need to have established an Indian body to insure tribal participation in the formulation of federal Indian policy; and

WHEREAS: the American Indian Policy Review Commission urged the Congress not to create an Indian body but rather urged Indian Nations and Tribes to form an Indian body through which tribal governments may participate in the formulation of federal Indian policy; and

WHEREAS: the Affiliated Tribes of Northwest Indians recommended in its report to the American Indian Policy Review Commission dated October 1, 1976 the establishment of "A legislative institution which represents tribes and Indian groups which has the authority to ratify and confirm the policy and program development activities of the Federal Government; and

WHEREAS: the National Congress of American Indians (NCAI) and the National Tribal Chairmen's Association (NTCA) are both structured in similar ways with Area Vice Presidents and Area Representatives; and

WHEREAS: National Congress of American Indians and National Tribal Chairmen's Assocation meet in Annual Conventions and occasionally in special sessions to create a forum for tribal governments' deliberations on Federal/Indian policy; and

WHEREAS: a sustained process of tribal government deliberations is required to insure participation in federal Indian policy formulation.

NOW, THEREFORE BE IT RESOLVED, that the National Congress of American Indians and the National Tribal Chairmen's Association jointly forms a national commission on federal Indian policy comprised of the organizational Presidents and the Area Vice Presidents and Area Representatives; and

BE IT FURTHER RESOLVED, that the National Congress of American Indians and National Tribal Chairmen's Association will review and implement a plan to establish the national commission on federal Indian policy.

RESOLUTION COMMITTEE

Policy Resolution No. 17

TO REVISE OR AMEND CFR-25, PART 273, B AND 273.31

Adopted by NCAI Executive Council on January 20, 1978

WHEREAS: The Rules and Regulations to implement PL 93-638, Title II, specifically CFR 25, Part 273.13:IV and Part 273.31 (a), (b), (c), are contrary to the self-determination of Minnesota Chippewa people and tribal youth enrolled in public schools in 5 states; and

WHEREAS: CFR 25, 273.13 essentially closes down three Indian community schools by having less than 70% eligible Indian students in the school district, but exceeding the 70% requirement in the Indian community school, and reduces the educational services in three other Minnesota school districts and approximately 20 other schools across Indian country; and

WHEREAS: such educational services are proven and documented to be exceptional in raising the academic levels of Indian students, as well as, reinforcing the cultural characteristics of Indian people; and

WHEREAS: CFR 25, part 273.3 provides for revision or amendments to the Rules and Regulations.

THEREFORE BE IT RESOLVED, that the National Congress of American Indians support the Minnesota Chippewa Tribe in requesting that the Bureau of Indian Affairs revise and/or amend CFR 25, 273.13:IV and 273.31.

BE IT FURTHER RESOLVED THAT, the National Congress of American Indians support Minnesota Chippewa Tribe in requesting that the Bureau of Indian Affairs conduct hearing to amend or revise the rules and revise the rules and regulations in strict compliance with CFR 25, 273.3, and

BE IT FURTHER RESOLVED, that the National Congress of American Indians support the Minnesota Chippewa Tribe in urging the Bureau of Indian Affairs and both Houses of Congress to adopt a formula that is more equitable to the majority of the States and Indian Tribes.

RESOLUTION COMMITTEE

Policy Resolution No. 18

AMEND JOHNSON O'MALLEY ACT OR P.L. 93-638

Tabled by NCAI Executive Council on January 20, 1978

WHEREAS: Public Law 93-638 allows tribes to contract for certain educational programs including Johnson O'Malley now funded by the Bureau of Indian Affairs; and

WHEREAS: acceptance of the tribal contract is not mandatory with the local school district; and

WHEREAS: by refusing to bargain in good faith with the tribe, the local school district can then eliminate in-school Indian Education Programs; and

WHEREAS: the school districts in Washington State and throughout the Nation use these methods to eliminate the Johnson O'Malley Programs.

NOW THEREFORE, BE IT RESOLVED, that the National Congress of American Indians hereby recommend and refer to appropriate congressional committees in amending Title II of the Indian Self-Determination and Education Assistance Act or the Act of Congress know as Johnson O'Malley to provide that any local school district that refuses to bargain in good faith with a tribe that has assumed Indian education programs under that act shall automatically lose all Federal funds from whatever source derived upon request of the tribe in involved.

RESOLUTION COMMITTEE

Policy Resolution No. 19
EDA PUBLIC WORKS

Tabled by NCAI Executive Council on January 20, 1978

WHEREAS: In round II Indian set aside of the Local Public Works Porgram of the EDA there was invoded a formula of $1,000 each for the first 200 reservation resident tribal members and $270.00 for each additional member thereby appearing to favor smaller tribes; and

WHEREAS: said formula also included the complete elimination from consideration of every small tribe with less than 268 members so that all of the smaller tribes and villages who have great need for the grants but less than 268 resident members were not to receive any grants from round II at all; and

WHEREAS: such an arbitrary cut off is palpably unjust and unfair, defies explanation and justification and totally discriminates against the smaller tribes many of which have greater need than the larger tribes,

NOW THEREFORE BE IT RESOLVED, that the National Congress of American Indians supports efforts to correct this gross inequity as soon as possible and make these funds available to the smaller tribes on the basis of the same formula that is being applied to the larger tribes.

RESOLUTION COMMITTEE

Policy Resolution No. 20
INDIAN CENSUS

Adopted by NCAI Executive Council on January 20, 1978

WHEREAS: the American Indian population in urban, rural, and reservation areas was severely undercounted in the 1970 census; and

WHEREAS: the Minority Statistics Program of the Bureau of Census has the overall responsibility of improving the undercount of all minorities in the 1980 census; and

WHEREAS: a position within the Minority Statistics Program was established to handle the responsibility of American Indians for that office; and

WHEREAS: it appears as though a non-Indian individual was pre-selected and, a special job description may have been written to enable a specific individual to fill this position; and

WHEREAS: the National Congress of American Indians desires an Indian census responsible and responsive to the Indian tribes and organizations,

THEREFORE BE IT RESOLVED that the National Congress of American Indians recommends that:

1. The present non-Indian National Indian Coordinator (Indian desk) be replaced by a qualified Indian, and
2. A Board of Indian delegates, one from each NCAI Region supported by the Bureau of Census, participate in the final selection of the most qualified Indian and
3. Additionally this Board, supported by the Bureau will act fully in the capacity of educating and involving Indian communities and tribes in the latest developments pertaining to the 1980 Census, and
4. that this Board be formed within a reasonable length of time considering the critical nature of the issue and,
5. that the Census Bureau use the door-to-door procedures in the State of Oklahoma, and use the tribes and urban organizations as a resource, and
6. that Indians familiar with the Indian community be hired to gather data for the 1980 Census, and
7. that the Census Bureau use a larger sample in 1980 census than the 20% sample used in the 1970 census, and
8. that the Bureau of Census provide a written plan of their stated committment placing the gathering of Indian data and statistics at the highest priority, and
9. American Indians presently employed by the Bureau of Census be provided with the necessary resources which would allow them to communicate with the Indian communities and the top Bureau of Census officials.

RESOLUTION COMMITTEE

Policy Resolution No. 21
SHERMAN INDIAN HIGH SCHOOL

Tabled by NCAI Executive Council on January 20, 1978

WHEREAS: the Sherman Indian High School was purchased as a result of the California Indian Lands Claims settlement; and

WHEREAS: the California tribes are aware of the great need and the intense desire of tribal members throughout the state of California to have an Indian School which can be and is accessible to all California Indian tribes and bands desirous of sending or having their youth attend an all Indian school; and

WHEREAS: to date there has been little or no accessibility for attendance at Sherman Indian High School located in Riverside, California by our California Indian youth; and

WHEREAS: NCAI has taken the position that Indian children should not be transferred to distant area to go to school,

NOW THEREFORE BE IT RESOLVED, NCAI supports the efforts of California tribes to initiate a meeting of the Secretary of the Interior and the Assistant Secretary for Indian Affairs, (Forrest Gerard), and all necessary personnel from the Phoenix Area Office of BIA, Sacramento Area Office of BIA, Phoenix Area Tribal Representatives and California Tribal Representatives concerning the California tribes wishes to transfer Sherman Indian High School located in Riverside County, California from the Phoenix Area Office to the Sacramento Area Office.

RESOLUTION COMMITTEE

Policy Resolution No. 22
RECONSTRUCTION OF TEXAS STATE INDIAN AFFAIRS COMMISSION TO INCLUDE MEMBERS OF INDIAN DESCENT

Adopted by NCAI Executive Council on January 20, 1978

WHEREAS: the State of Texas had recognized a trust responsibility relative to Texas Indians by creating in 1965, an Indian Affairs Commission; and

WHEREAS: the three members of the Indian Affairs Commission, as appointed by the Governor, have always been non-Indians since the inception of this Commission; and

WHEREAS: during the 1977 Legislative Session, an Act (S.B. No. 168) was passed by both Houses of the Texas State Legislature which mandated the appointment of one (1) Indian to the vacant seat on the Indian Affairs Commission; and

WHEREAS: the Governor of the State of Texas was informed by the Indian community prior to the legislative history of this act that one (1) vacant seat on the Commission should be filled by an Indian, and that a legislative effort would be forthcoming to that end; and

WHEREAS: the Governor of the State of Texas having full knowledge of the impendi ng S.B. No. 168, knowingly and cunningly indulged in political manipulation by reappointing the same non-Indian individual ten (10) days before he was to sign this Act into law; and

WHEREAS: the Governor of the State of Texas has repeatedly chosen to ignore the Law and the request from the three (3) state recognized tribes and non-reservation Indians to appoint individuals of Indian decent to the Commission, and

NOW, THEREFORE BE IT RESOLVED, that the National Congress of American Indians recognizes and will no condone the tactics of political discrimination employed by the Governor of the State of Texas to use the power vested in him and to commit himself to restructuring the Indian Affairs Commission so that it will be comprised of individuals of Indian descent and who duly represent the Indian populations residing throughout the State of Texas.

RESOLUTION COMMITTEE

Policy Resolution No. 23
PANAMA CANAL

Adopted by NCAI Executive Council on January 20, 1978

WHEREAS: President Jimmy Carter has startled the world with the first foreign success of his Administration in treaty negotiations with the Panamanians; and

WHEREAS: the United States has materially changed its position with regard to Panama, providing in its five point treaty for progressive turnover of installations and territories to Panama, granting of a wide-range of benefits for current residents of the Canal Zone and paying of several hundred million dollars for continuing rights over the Canal until the year 2000; and

WHEREAS: concurrently, there is a public and Congressional hesitance to cede any American sovereignty over the Canal, now

THEREFORE, BE IT RESOLVED, that the National Congress of American Indians is pleased with and supports President Carter's foresight, judgment and achievement and hails his generosity which, even if extended to Panama only to avert imminent hostilities, is an intelligent, thoughful, and humane gesture,

BE IT FURTHER RESOLVED, that the National Congress of American Indians respectfully requests similar negotiations be initated with the American Indians and that Messrs. Ellsworth Bunker and Sol Linowitz mediate among the National Indian Organizations, the Secretary of the Interior, and the Assistant Secretary of the Interior for Indian Affairs to return land, including National Parks, and that land now held in trust by the Bureau of Land Management to its rightful owners, the American Indians, pursuant to and in accordance with this Administration's attitudes on cession of sovereignty, generosity, and humane treatment,

BE IT FURTHER RESOLVED, that the National Congress of American Indians empathy for and extends it sympathy and condolances to those members of Congress who fear loss of sovereignty over the Canal.

RESOLUTION COMMITTEE

Policy Resolution No. 24
SUPPORT FOR THE ESTABLISHMENT OF A SALT LAKE CITY AMERICAN INDIAN HEALTH CARE CENTER

Adopted by NCAI Executive Council on January 20, 1978

WHEREAS: the Utah Native American Consortium, Inc. (Salt Lake Indian Center) is a non-profit, private organization established for the purposes of serving and assisting American Indians in the State of Utah; and

WHEREAS: the Utah Native American Consortium, Inc. has identified a minimum populatioln of 7,300 American Indians along Wasatch Front, encompassing Provo, Salt Lake City, Brigham City and Ogden; and

WHEREAS: the Utah Native American Consortium, Inc. intends to submit and application to the Indian Health Service for funding under Title V and Title I, Public Law 94-437, and from private and other sources; and

WHEREAS: the Health Systems Research Institute of Salt Lake City has conducted a comprehensive feasibility study and implementation plan for the development of a Utah American Indian Health Center to serve the health needs of American Indians along the Wasatch Front; and

WHEREAS: said comprehensive feasibility study and needs assessment indicates that the health needs of American Indians are not being met; and

WHEREAS: the Assembly of the First Annual Phoenix Area National Congress of American Indians convention has expressed support for the establishment of a health care delivery system for American Indians along the Wasatch Front,

NOW, THEREFORE, BE IT RESOLVED, that the National Congress of American Indians supports the efforts of the Utah Native American Consortium to obtain funding for a health care delivery system for all American Indians along the Wasatch Front.

RESOLUTION COMMITTEE

Policy Resolution No. 25
RESOLUTION TO ESTABLISH A WORKING RELATIONSHIP WITH A NATIONAL ORGANIZATION OF INDIAN COMMISSIONS

Adopted by NCAI Executive Council on January 20, 1978

WHEREAS: presently 24 state governments have created Indian Commissions or Gubenatorial Indian Liaison offices to help Indian tribes, individuals and organizations; and

WHEREAS: said Indian commissions, boards or liaisons have organized and incorporated a national association of such state units, the Governor's Interstate Indian Council, Inc. (GIIC); and

WHEREAS: the GIIC has formally resolved to assist Indian tribes by working with state, federal and tribal representatives and recognizes the challenge to Indian unity represented by the anti-Indian forces organizing; and

WHEREAS: the GIIC at its recent annual meeting in Detroit, Michigan, indicated its desire to cooperate with all National Indian organizations in helping Indian Tribal people secure their rights; and

WHEREAS: the various state governments have frequently opposed Tribal Development; and

WHEREAS: by cooperating fully with the Tribes and working through the mechanism of state government, the various members of GIIC believe an improved relationship between Tribal and state government can be attained; and

WHEREAS: the various Indian Commissions and boards can assist in this relationship

THEREFORE, BE IT RESOLVED, that the National Congress of American Indians recognized the GIIC as an organization which can help the tribes obtain their rights; and

BE IT FURTHER RESOLVED, that the National Congress of American Indians staff begin to work with the GIIC to help further tribal goals during the coming year.

RESOLUTION COMMITTEE

Policy Resolution No. 26

ACQUISITION OF BENNETT-CLARKSON HOSPITAL

Adopted by NCAI Executive Council on January 20, 1978

WHEREAS: the Rapid City Regional Hospital Corporation of Rapid City, South Dakota, is in the process of constructing a new hospital complex which will replace their existing hospital system, including Bennett-Clarkson Hospital (Rapid City Regional West); and

WHEREAS: it is the understanding of the Rapid City Indian Health Advisory Board that Bennett-Clarkson sits on land formerly a part of the Sioux San grounds and which was deeded to the city of Rapid City for municipal use, specifically, for a hospital facility; and

WHEREAS: it is the understanding of the Board that the land was conveyed to the city with a provision that the land would revert to the United States when it was no longer used for its original purpose; and

WHEREAS: the Rapid City Indian Health Advisory Board has, on numerous occasions, discussed the possibility of acquiring the hospital facility and the land in question for purposes of expanding the health services of the Rapid City Indian Health Service Unit, now

THEREFORE, BE IT RESOLVED, that the National Congress of American Indians support all efforts to acquire the Bennett-Clarkson Hospital facility.

RESOLUTION COMMITTEE

Policy Resolution No. 27

NCAI CONTINUED SUPPORT TO THE WY-AM BOARD

Adopted by NCAI Executive Board on January 20, 1978

WHEREAS: Celilo Village was established pursuant to the act of July 25, 1947, (61 Stat. 466). The title being taken in the name of the United States in trust for the Confederated Tribes of the Warm Springs Reservation, Yakima Indian Tribes, the Umatilla Indian Tribes and other Columbia River Indians affiliated with the aforementioned tribes with all authority of ownership for such land resting in the Tribes mentioned above, subject to the approval, when approval, when necessary, of the Secretary of the Interior as trustee for the United States; and

WHEREAS: the aforementioned Tribes have vested interest and through Public Law 163, July 15, 1955, 69 State 261 and the Appropriation Act of June 29, , 62 Stat. 1120 are named as joint owners of Celilo Village consisting of 31.6 acres; and

WHEREAS: the residents of Celilo Village represented by the Wy-am Board (Resolution 76-01), acting to address the needs of the Celilo Village in its entirity have prepared an application, which was submitted to the Economic Development Administration to construct a Muli-purpose Community facility; and

WHEREAS: this application has remained a high priority with the Celilo people because of employment problems, educational problems, social problems and housing problems; now

THEREFORE, BE IT RESOLVED, that the National Congress of American Indians supports the Wy-am Board (Resolution 76-01) to continue their efforts in completing their application to the Economic Development Administration until such funding is made available to complete a community facility; and that said facility will be permitted to be constructed and utilized by the residents of Celilo for their benefit.

RESOLUTION COMMITTEE

Policy Resolution No. 28

ELIGIBILITY FOR OKLAHOMA INDIANS AND ALASKA NATIVES FOR TITLE II CETA

Adopted by NCAI Executive Council on January 20, 1978

WHEREAS: Oklahoma Indian tribes and Alaska Native Communities have been made eligible to receive Tribe VI funds under the Comprehensive Employment and Training Act (CETA).

WHEREAS: They are not presently eligible for Title II funds under CETA.

NOW, THEREFORE BE IT RESOLVED, that the National Congress of American Indians supports the U.S. Department of Labor efforts to make Oklahoma Indian tribes and Alaska Native Communities eligible for Title II CETA funds.

RESERVATION DEVELOPMENT COMMITTEE

Policy Resolution No. 29

REQUESTING NON-COMPETITIVE AWARD FUNDING IN ANA TRIBAL AND URBAN PROJECTS

Adopted by NCAI Executive Council on January 20, 1978

WHEREAS: the Western Indian Program Administrators Council (WIPAC) is an organization composed of administrators and project directors of programs sponsored by the Administrator for Native Americans (ANA, formally ONAP) and acting in session on Monday, September 19, 1977; and

WHEREAS: a resolution was passed by the Affiliated Tribes of Northwest Indians during their last session held in Spokane, Washington, during the month of August 1977 and concerning new regulations published by the Department of Health, Education and Welfare relations to a Project Period/Project Specific/Comeptitive Award system to become effective during the FY 78 and imposed upon Administrators for Native Americans under section 1336.51 (f) of Administrators for Native Americans Regulations and Department of Health, Education and Welfare's Grants Administrative Manual; and

WHEREAS: the resolution calls for support of al amendment to the Administrators for Native Americans legislation that would prevent any interpretation causing competitive funding or otherwise interfering with basic OEO, ONAP, or Administrators for Native Americans concepts; and

WHEREAS: WIPAC views the attached resolution as an appropriate response and feels that the problems and deficiencies of the newly proposed Department of Health, Education and Welfare Regulations have been stated clearly and accurately;

THEREFORE BE IT RESOLVED, that the National Congress of American Indians supports the resolution without change passed by the Affiliated Tribes of Northwest Indians and the action requested.

RESERVATION DEVELOPMENT COMMITTEE

Policy Resolution No. 30

CREATION OF AN ANA REVIEW TASK FORCE

Adopted by NCAI Executive Council on January 20, 1978

WHEREAS: the Economic Opportunity Act of 1964 offered the Indian tribes the first opportunity to assume the responsibility for providing programs and planning for their communities; and

WHEREAS: the Office of Native American Programs, now the Administration for Native Americans, continued this program to provide tribes with basic funding for administration of various local programs and flexibility to adapt priorities to meet community needs; and

WHEREAS: the Department of Health, Education and Welfare has published new regulations relating to a Project Period/Project Specific/Competitive Award System to become effecive during the FY 1978 and imposed upon the Administration for Native Americans (ANA) under sec. 1336.51(f) of ANA's Regulations and HEW's Grants Administrative Manual; and

WHEREAS: under the new system priority decisions regarding the type and length of programs to be supported by ANA will now be made by ANA rather than by the tribes or local Indian organizations which violates the intent of both the Community Action Legislature and Self-Determination Act; and

WHEREAS: competitive funding means that tribes and Indian organizations risk the loss of core administration components and the local community worker component of their programs. Interrupted flow of funds and programs due to competitive funding, prevents the kind of long range planning and programming that is needed to achieve "economic and social self-sufficiency for Indians", which has been the goal of the OEO Act and the ONAP Act and is a concept to be continued in the new ANA Program; and

WHEREAS: the implementation of these procedures or processes constitute a major change in the ANA program and are not responsive to the unique needs and circumstances of the Indian people; and

WHEREAS: this major change in the system was put into place by the Office of Human Development with absolutely no consultation with or involvement of the Indian community; and

WHEREAS: the authorizing legislation for ANA is expiring and the Department of Health, Education and Welfare is seeking a five year renewal of the authorizing legislation; and

WHEREAS: the proposed legislation is adequate, however, the interpretation by HEW officials allows them to implement their regulations requiring competitive funding; now

THEREFORE BE IT RESOLVED, that the National Congress of American Indians continues to support the original concept of the OEO Act, the ONAP Act and the ANA Act, however the tribes object to the interpretation allowing regulations specifying competitive funding; and

BE IT FURTHER RESOLVED, that the National Congress of American Indians to go on record in support of an amendment to the ANA legislation that would prevent any interpretation causing competitive funding or otherwise interfering with the basic OEO, ONAP, and ANA concepts; and

BE IT FURTHER RESOLVED, that the National Congress of American Indians supports and requests the establishment of a permanent REVIEW TASK FORCE, created to review on a regular basis the operations of the administration developed for ANA policy statements and administrative regulations and to make recommendations relative to the amendment or other modification of ANA activities and of the policies and regulations governing those activities. Recommendations shall be presented to ANA, HEW, or the U.S. Congress, as may be deemed most appropriate to achieve the desired amendment of activity or operations.

RESERVATION DEVELOPMENT COMMITTEE

Policy Resolution No. 31

POLICY STATEMENT FOR HUD

Adopted by NCAI Executive Council on January 20, 1978

WHEREAS: the Department of Housing and Urban Development administers Indian programs in the areas of housing assistance, community development, reservation comprehensive planning, etc.; and

WHEREAS: the comprehensive planning program now directed by HUD is restricted by limited funding due to recent decreases in allocations for this very important program; and

WHEREAS, HUD does not encourage Indian programs by providing the proper staff and authority of the HUD Indian Desk to coordinate with Indian country policies that would reflect their need for those programs administered by this agency;

NOW THEREFORE BE IT RESOLVED, that the National Congress of American Indians request the Department of Housing and Urban Development to respond to the following:

1. Increased appropriations for the Housing, Community Development and Comprehensive Planning Programs;
2. Designate the Indian Desk office as an assistant secretary position with the respective authority of this office, and additional staff to proeprly administer those programs requested by Indian country;
3. That additional funding for Indian country be multi-year and at a level consistent with the needs of Indian country.

RESERVATION DEVELOPMENT COMMITTEE

Policy Resolution No. 32

ESTABLISH A SPECIAL NCAI TASK FORCE ON LEAA RESTRUCTURING

Adopted by NCAI Executive Council on January 20, 1978

WHEREAS: the Law Enforcement Assistance Administration (LEAA) is currently undergoing restructuring; and

WHEREAS: informed and continuous Indian advice is necessary to produce an adequate Indian Programs division within LEAA;

THEREFORE, BE IT RESOLVED, that the National Congress of American Indians' 34th Convention LEAA Subcommittee of the Reservation Development Committee become a special NCAI task force to deal with LEAA restructuring; and

FURTHERMORE, BE IT RESOLVED, that the National Congress of American Indians urges the National Minority Advisory Council of LEAA to find the funds to convene the necessary meetings of the task force.

RESERVATION DEVELOPMENT COMMITTEE

Policy Resolution No. 33

ESTABLISHMENT OF AN NCAI PERMANENT LAW ENFORCEMENT COMMITTEE

Adopted by NCAI Executive Council on January 20, 1978

WHEREAS: there is not a visible or viable means in the Indian community to independently oversee Indian law enforcement issues or problems on a long term or permanent basis; and

WHEREAS: there is an apparent and immediate need for such a mechanism as evidenced by tribal and non-tribal concerns in the area of law enforcement issues on local, state, and federal levels; and

WHEREAS: there concerns are reflected in broader and basic issues such as Indian sovereignty; and

WHEREAS: the area of Indian law enforcement has not been given the priority consideration needed; and

NOW THEREFORE, BE IT RESOLVED, that the National Congress of American Indians moves to establish on a permanent basis a committee on Indian law enforcement issues and problems.

RESERVATION DEVELOPMENT COMMITTEE

Policy Resolution No. 34

REQUEST FOR EXTENSIVE FIELD HEARINGS REGARDING THE POLICIES OF THE REGIONAL ACTION PLANNING COMMISSIONS ESTABLISHED BY THE PUBLIC WORKS & ECONOMIC DEVELOPMENT OF 1965

Adopted by NCAI Executive Council on January 20, 1978

WHEREAS: Regional Action Planning Commissions were organized by the PUblic Works and Economic Development Act of 1965 specifically outlining their functions in alleviating economic inequities within certain regions of the United States; and

WHEREAS: monies made available through the Act are channeled to the regions through Regional Boards composed of state governors; and

WHEREAS: Indian participation in the decisions rendered by these Boards does not exist; and

WHEREAS: in the case of the Old West Regional Commission, whose funding in the years of its existence has been substantial millions of dollars, whose funding for the last year of operation alone has been over eleven million dollars; and

WHEREAS: only three Indian entities in the entire existence of the Old West Regional Commission have been funded for a total of $410,000.00; and

WHEREAS: this total amount of monies funded to Indian tribes and organizations represents only the tiniest franction of the total funding of the Old West Commission; and

WHEREAS: this fraction is completely inappropriate given chronic levels of unemployment and underemployment of Indian reservations in the Old West region; and

WHEREAS: this fraction is completely inappropriate given the relative potential for massive Natural Resource Development, and resultant social and environmental conseqquences affecting Indian tribes; and

WHEREAS: there is every indication that these low levels of funding are typical of the performances of all the Regional Action Planning Commissions; and

WHEREAS: it is apparent that tribes have been systematically denied monies made available under the Act, now, THEREFORE, BE IT RESOLVED, that the National Congress of American Indians support this resolution of the Northern Cheyenne Tribe in urging the Senate Committee on Environment and Public Works to conduct extensive field hearings into the ongoing work, priorities and policies of the Regional Action Planning Commissions to determine the effectiveness of those organizations in meeting the needs of Indian people.

RESERVATION DEVELOPMENT COMMITTEE

Policy Resolution No. 35

REQUEST FOR FIELD HEARINGS ON THE PRIORITIES & POLICIES OF THE OFFICE OF NATIVE AMERICAN PROGRAMS

Adopted by NCAI Executive Council on January 20, 1978

WHEREAS: the Northern Cheyenne Tribe are continuing recipients of funds from the Office of Native American Programs; and

WHEREAS: these funds have provided a menas for many important opportunities for the Northern Cheyenne and other tribes throughout the United States; and

WHEREAS: indications that many policy shifts on the part of the Office of Native American Programs are occurring without the participation of tribes in decision-making regarding these policy shifts; and

WHEREAS: these policy shifts are unexpected due to the fact that Indian people have been specifically promised by the former director of the Office of Economic Opportunity, past directors of the Office of Native American Programs, and the former Secretary of the Department of Health, Education and Welfare that such shifts in policy would not take place without the prior consultation of the tribes, now

THEREFORE, BE IT RESOLVED, that the National Congress of American Indians support a resolution of the Northern Cheyenne Tribal Council requesting the Office of Human Development to conduct field hearings throughout the United States concerning the ongoing work, priorities and policies of the Office of Native American Programs to better assist the Office of Human Development in its oversight capacity and to increase participatior by tribes in decision making concerning that program designed to serve them.

EDUCATION COMMITTEE

Policy Resolution No. 36

OPPOSITION TO TRANSFER OF BIA EDCATION PROGRAMS TO THE PROPOSED DEPARTMENT OF EDUCATION

Adopted by NCAI Executive Council on January 20, 1978

WHEREAS: H.R. 8473 and S. 991 are bills introduced to establish a Cabinet-level Department of Education that would consolidate the entire education division of DHEW and a number of other education-related programs including Indian Education; and

WHEREAS: also included in this proposed legislation (H.R.-8473, Sec. 8 (f) is the statement: "There are hereby transferred to the Secretary all functions of the Secretary of the Interior with respect to the operation of schools for Indian children being administered by him through the Bureau of Indian Affairs"; and

WHEREAS: in S. 991 Section 8, it is stated that "The President is authorized to transfer to the Department of Education any other agency or instrumentality of the Federal Government which the President determines has functions relating to education and should be transferred to the Department of Education to promote efficiency in Government and to carry out the purposes of this Act,"; and

WHEREAS: all past efforts to transfer education and other services out of the Department of the Interior to other Departments that do not adequately honor the special relationship between the tribes and the U.S. Government have resulted in a loss of tribal control of program policy, battles over Indian preference, and difficulties and hardships in competing for services and monies with the larger society and minority groups.

NOW THEREFORE BE IT RESOLVED THAT: the National Congress of American Indians at its 34th Annual Convention requests that Willis D. Hawley, Education Study Director, Human Resources Team Presidents' Reorganization Project, The White House refrain from recommending transfer of BIA-DOI education programs to the proposed Department of Education until such a time that the new Assistant Secretary of the Interior might recommend such, after sufficient consultation with the tribes.

EDUCATION COMMITTEE

Policy Resolution No. 37

TITLE IV AMENDMENTS REGARDING HAWAIIAN NATIVES

Tabled by NCAI Executive Council on January 20, 1978

WHEREAS: the United States Congress has established special educational programs designed to provide more comprehensive educational services for American Indians, i.e., Title IV, Indian Education Act, P.L. 92-318 and the Indian Self-Determination and Education Assistance Act, P.L. 93-638; and

WHEREAS: these programs were established to serve American Indians as a part of the U.S. Governments' special relationship with the American Indian people based upon treaties and the special legal status of American Indians; and

WHEREAS: the United States Government has recognized that there is a unique federal relationship with American Indian people; and

WHEREAS: recent legislation has been submitted to amend these education programs to include Native Hawaiians; and

WHEREAS: this proposed legislation, as identified above would undermine the original Congressional intent of that legislation.

THEREFORE BE IT RESOLVED THAT: the National Congress of American Indians at it's 34th Annual Convention held in Dallas, Texas oppose any legislation that would undermine the Congressional intent of the Indian Education Act and the Indian Self-Determination which was based upon the legal and special relationship of the American Indian people.

BE IT FURTHER RESOLVED THAT: the National Congress of American Indians recognized the special needs of the Native Hawaiians and would endorse special separate legislation that will provide educational programs for Native Hawaiians.

EDUCATION COMMITTEE

Policy Resolution No. 38

BILINGUAL/BICULTURAL TITLE VII CIVIL RIGHTS INVESTIGATION

Adopted by NCAI Executive Council on January 20, 1978

WHEREAS: Humboldt State University application for Title VII funding for the training of American Indian Language Teachers was denied; and

WHEREAS: the Arizona State University application for Title VII Subpart A funding for the training of American Indian Language Teachers was denied; and

WHEREAS: the Arizona State Office of Bilingual Education application for funding for technical assistance in the State of Arizona was denied; and

WHEREAS: there are no effective American Indian Language Teachers Training Programs being funded in Region IX by the Office Bilingual Education; and

WHEREAS: the aforesaid applications were not evaluated, ranked, read, rated, or scored by the Office of Bilingual Education, now,

BE IT RESOLVED: that the National Congress of American Indians supports a civil rights investigation of the treatment of American Indians by the Office of Bilingual Education, as established by Title VII of the Elementary and Secondary Education Act, for patterns and practices of discrimination.

EDUCATION COMMITTEE

Policy Resolution No. 39
PAPAGO TRIBE JOM FUNDS

Adopted by NCAI Executive Council on January 20, 1978

WHEREAS: The Johnson O'Malley Act funds for basic support are vital to the continued operation of public schools on the Papago Indian Reservation; and

WHEREAS: the school district is almost wholly dependent on funds from outside the district for it's basic operation and maintenance cost; and

WHEREAS: the lack of taxable resources on the Papago Reservation is a strong factor in justifying the continuance of federal aid to the school district; and

WHEREAS: the BIA policy change to phase out basic support aide is being executed without either careful or cursory study of the effect on at least a few unbelievably "poor" school districts; and

WHEREAS: neither has the effect been reported to the Congress as mandated in P.L. 93-638 Title II, Section 203 (2)(1) which said, "when necessary to provide general operating expenditure to school districts educating Indian children."; and

WHEREAS: the present policy of phasing out the use of Johnson O'Malley funds for basic aide is not in the best interest of the Papago Tribe.

NOW, THEREFORE, BE IT RESOLVED THAT: the National Congress of American Indians supports Papago Tribe's efforts to seek the continued usage of Johnson O'Malley funds for basic aid support for public schools on the Papago Reservation.

EDUCATION COMMITTEE

Policy Resolution No. 40
PAPAGO TRIBE EARLY CHILDHOOD EDUCATION PROGRAM

Adopted by NCAI Executive Council on January 20, 1978

WHEREAS: The Early Childhood Programs on the Papago Indian Reservation were very successful; and

WHEREAS: Papago parents are increasingly aware of the vital need for early age children to be educationed; and

WHEREAS: Papago children are beginning to show the beneficial effects of an Early Childhood Education;

NOW, THEREFORE, BE IT RESOLVED THAT: the National Congress of American Indians support the efforts of the Papago Tribe of Arizona to seek an increase in funds to meet the urgent needs of Early Childhood Education for the benefit of Indian children.

EDUCATION COMMITTEE

Policy Resolution No. 41
ESTABLISHMENT OF NORTHWEST COMMUNITY COLLEGES

Adopted by NCAI Executive Council on January 20, 1978

WHEREAS: There exists a legislative mandate, under Section 203, (4) Public Law 93-638, "The Indian Self-Determination and Education Assistance Act" of January 4, 1975 (88 Stat. 2203), for the Secretary of Interior (through the Bureau of Indian Affairs) to prepare " a specific program, together with detailed legislative recommendations, to assist the development and administration of Indian controlled community colleges"; and

WHEREAS: in the interest of accomplishing the true intent of the above stated law, the Indians of the Northwest must be allowed to determine how their educational needs will be met; and

WHEREAS: there are presently twelve Indian Controlled Community Colleges throughout the U.S., however, none exist to provide adequate service to the Northwest; and

NOW, THEREFORE BE IT RESOLVED, that the Affiliated Tribes of Northwest Indians support and endorse the concept of a Northwest Indian Community College Steering Committee its efforts.

BE IT FURTHER RESOLVED, that the Affiliated Tribes of Northwest Indians support and endorse the Northwest Indian Community College Steering Committee actions to secure the funds necessary to research the feasibility and plan the establishment of a Northwest Indian Community College; in cooperation with Tribal Education Committees Tribal governing bodies and existing Indian Education Organizations.

BE IT FURTHER RESOLVED, that this resolved action remains contingent with proper respect, recognition and cooperation given all previously delegated responsibilities and authorized activities of a related nature.

EDUCATION COMMITTEE

Policy Resolution No. 42
NATIVE AMERICAN SCHOLARSHIP FUND
Adopted by NCAI Executive Council on January 20, 1978

WHEREAS: There are only 77 Indian medical doctors in the United States, only three Indian dentists, only one Indian veterinarian, and only 400 Indian nurses; and

WHEREAS: there are only a few dozen Indian people in the United States trained in the various fields of business management; and

WHEREAS: there are only a few dozen Indian people in the United States trained in the fields of engineering and the earth sciences; and

WHEREAS: there were only 72 Indian students in medical schools in the year 1976-77; and

WHEREAS: there were only 70 Indian students enrolled in the fourth or fifth year in all fields of engineering in the year 1975-76; and

WHEREAS: there are very few Indian students enrolled in the various fields of business management; and

WHEREAS: Indian students are not being served or supported in sufficient numbers by the organizations working to increase minority enrollment in the fileds of medicine, business, and engineering and earth sciences; and

WHEREAS: Indian people have the poorest health and lowest life expectancy of any group in the United States, the highest rate of unemployment, and receive the least benefit from their natural resources, now

BE IT RESOLVED, That the National Congress of American Indians strongly supports the efforts of the Native American Scholarship Fund, Inc., to recruit, counsel, provide scholarships and loans, and retain Indian students in the fields of medicine, business management, and engineering/earth science, and to encourage Indian students trained in these fields to work for their tribes.

EDUCATION COMMITTEE

Policy Resolution No. 43
CHEMAWA $10M, RELEASE
Adopted by NCAI Executive Council on January 20, 1978

WHEREAS: Chemawa Indian School was established at Salem, Oregon in 1880 and has functioned for nearly a century until the present day as a boarding school filling the special and unique needs of Indian students; and

WHEREAS: for several years, because of failure to rebuild and update the facilities, the buildings have been condemned one by one with classes carried on in inadequate, temporary structures and with a steadily declining student body; and

WHEREAS: there is an even greater need today and for the future for such a school to provide quality education to all classes of eligible Indian students with a balanced program including the needs of all categories of students from special and handicapped students to gifted students; and

WHEREAS: it is schools such as Chemawa should be, properly conducted and adequately staffed, that provides leadership to the Indian people in the ever arriving "future year;" and

WHEREAS: there has already been spent considerable funds for architectural and engineering services for plans of a new facility which, if built immediately on the same grounds, would adequately provide for 400 students with provisions for expansion to 600 students; and

WHEREAS: a redesign for a proposed new construction of lesser capacity would entail the additional expenditure of $800,000.00 and an increased delay in construction.

NOW, THEREFORE. BE IT RESOLVED THAT, the Affiliated Tribes of Northwest Indians request immediate release of the $10 million already appropriated for said new construction following the existing architechtural and engineering plans.

BE IT FURTHER RESOLVED THAT, the Affiliated Tribes of Northwest Indians does not support a redesign of new construction except with the following provisions:

1. Modifications of the new facility does not entail a "scaling down" but of a multiphase construction plan which is capable of future growth.

2. The architecture and engineering of the phased in construction plan does not reduce such facilities as:

    A. Gymnasium
    B. Student Union
    C. Dining Hall
    D. Academic Shop Space Arrangement

3. The first phase shall include one dormitory. Additional dormitory facilities shall be deferred to the seocnd phase of construction following appropriate justification. Additional construction in phase two will include completion of other school complex facilities as provides in present architectural design.

4. That this construction plan has been discussed with the Acting Commissioner and Chairman School Board, Chairman and Coordinator of the Chemawa Task Force, Assistant Area Director, and the Portland Area Education Director at the Annual Convention of Affiliated Tribes of Northwest Indians, August 24-26, 1977, Spokane, Washington.

EDUCATION COMMITTEE

Policy Resolution No. 44
PASCHAL SHERMAN

Adopted by NCAI Executive Council on January 20, 1978

WHEREAS: the Northwest Affiliated Tribes passed Resolution 1977023 on August 26, 1977, establishing Paschal Sherman Indian School in Omak, Washington, as the top priority for construction funds for tribally operated schools that were formerly operated by missions; and

WHEREAS: the Colville Confederated Tribes has officially chartered the Colville Educational Development Board in 1974 as the governing body of the Paschal Sherman Indian School; and

WHEREAS: the Paschal Sherman Indian School is the only tribally operated boarding school in the Portland area which serves 170 elementary students that are enrolled members of any federally recognized tribe; and;

WHEREAS: Public Law 93-638 established authority for Indian operated schools to receive federal funds to construct proper educational and boarding facilities; and

WHEREAS: Public Law 93-638 directs the federal government to provide construction funds for privately operated Indian schools, however, Congress has not appropriated construction funds for Indian operated schools since the inception of Public Law 93-638; and

WHEREAS: the Colville Confederated Tribes has fully documented the justification for the construction of a complete new facility for Paschal Sherman Indian School to the Bureau of Indian Affairs on their appropriate 638 application forms; and

WHEREAS: the Colville Conferated Tribes testified before the United States Congress and Senate in April, 1977 requesting $11.6 million dollars to completely replace the hazardous and antiquated facilities at Paschal Sherman Indian School.

THEREFORE, BE IT RESOLVED, that the National Congress of American Indians fully supports the Northwest Affiliated Tribes Resolution 1977-23 establishing the Paschal Sherman Indian School in Omak, Washington as the top priority for construction funds from Public Law 93-638 for tribally operated schools that were formerly operated by missions.

EDUCATION COMMITTEE

Policy Resolution No. 45
INDIAN PREFERENCE - TO AGENCIES OTHER THAN BIA & IHS
Adopted by NCAI Executive Council on January 20, 1978

WHEREAS: It was the intent of Congress in enacting Section 12 of the Indian Reorganization Act of 1934 to provide Indian employment preference within the Indian service; and

WHEREAS: at the time of enactment virtually all Indian service functions were located and administered by the Bureau of Indian Affairs; and

WHEREAS: in recent years Indian services and programs have been developed and disbursed into a number of federal agencies; and

WHEREAS: Section 12 of the Indian Reorganization Act was not drafted to take this historical development into consideration.

THEREFORE BE IT RESOLVED: that the National Congress of American Indians contact and negotiate with all federal agencies which have Indian divisions or administer Indian services to implement Indian employment preference pursuant to Section 12 of the Indian Reorganization Act of 1934; and

BE IT FURTHER RESOLVED THAT: in the event such agencies are unwilling to adopt appropriate resolutions implementing such preference that NCAI supports and recommends to the U.S. Congress that Seccion 12 of the Indian Reorganization Act of 1934 be amended to make it directly applicable to the Indian divisions or offices of agencies such as but not limited to the Office of Indian Education, the Administration of Native Americans (formerly ONAP) (D-HEW); division of Manpower Programs Administration (Indian Desk) (Department of Labor); Office of Minority Business Enterprizes (Indian Desk) (Department of Commerce); Law Enforcement Assistance Administration, Office of Indian Rights, Civil Rights Division and the Indian Resource Section, Land and Resources Division (Department of Justice).

EDUCATION COMMITTEE

Policy Resolution No. 44
INDIAN PREFERENCE TRAINING, RECRUITMENT & RETENTION RESOLUTION
Adopted by NCAI Executive Council on January 20, 1978

WHEREAS: It is the policy of the Federal Government to provide for employment preference for Indians within the federal agencies administering Indian services and programs and whereas the Indian Reorganization Act contemplated extensive training and recruitment of Indians in conjunction with Indian preference to facilitate getting Indians into their own service; and eventually make said service an Indian service in fact as well as in name; and

WHEREAS: that there has been no extensive Indian training and recruitment programs within those agencies administering Indian services and programs resulting in no appreciable increase in the percentage of Indian employees and a decrease in the percentage of Indians in higher level positions over recent years; and

WHEREAS: the inapplicability of Indian preference in reductions in force has resulted in a large number of Indian employees being separated from the federal Indian service employment.

THEREFORE, BE IT RESOLVED THAT: the National Congress of American Indians recommends that the preference laws be amended to provide for preference for Indians in training, recruitment, and retention under reduction in force procedures; and

BE IT FURTHER RESOLVED THAT: there be specific line budget items for the training, internship and recruitment of Indian people.

EDUCATION COMMITTEE

Policy Resolution No. 47
CONTRACT & GRANT PREFERENCE IMPLEMENTATION
Adopted by NCAI Executive Council on January 20, 1978

WHEREAS: The Indian Self-Determination and Educational Assistance Act of 1975 was enacted to "permit an orderly transition from Federal domination of programs for and services to Indians to effective and meaningful participation by the Indian people in the planning, conduct, and administration of those programs and services; and

WHEREAS: Section 7 (b) of that Act was designed to implement this transition to and participation by Indian tribes by requiring that any Federal agency which lets any contract or grant to or for the benefit of Indians require that preference and opportunities for training and employment in connection with the administration of such contracts or grants to Indians and that preference be given to Indian organizations and Indian owned economic enterprizes in the award of any subcontract or subgrant; and

WHEREAS: there has been little or no compliance on the part of any Federal agency to require such preferences in employment, training, subcontracting, or subgranting; and

WHEREAS: Section 7 (b) does not specifically provide for preference in the award of the contracts and grants themselves; and

WHEREAS: this has resulted in substantial non-implementation of Indian Self-Determination as intended by the Act and a loss in economic well-being for Indian people.

BE IT HEREBY RESOLVED, that the National Congress of American Indians strongly recommends and support the following:

1) That the General Services Administration and the Office of Management and Budget promulgate uniform 7 (b) regulations applicable to all Federal agencies which award contracts or grants to or for the benefit of Indians, and

2) that Section 7 (b) be amended by the Congress to provide for preference to qualified Indian tribes, organizations and economic enterprizes in the award of any contract or grant to or for the benefit of Indians.

EDUCATION COMMITTEE

Policy Resolution No. 48
OFFICE ON INDIAN EMPLOYMENT RIGHTS
Adopted by NCAI Executive Council on January 20, 1978

WHEREAS: Section 7 (b) of P.L. 93-618 requires the preferential employment of Indians on contracts and grants for the benefit of Indians let by any Federal agency; and

WHEREAS: only one Federal agency has taken action to implement this requirement; and

WHEREAS: employment on Federal grants and contracts constitutes a substantial source of employment opportunities for the benefit of Indians but Indians have rarely been allowed to benefit from these opportunities; and

WHEREAS: the equal employment opportunity offices have been completely ineffectual and unresponsive in reversing agency actions which have been in violation of Indian employment preference as mandated by Section 12 of the Indian Reorganization Act; and

WHEREAS: Federal employment rights agencies have been negligent in combating employment discrimination against against Indians; and

WHEREAS: President Carter is in the process of developing a new Super Agency on employment rights.

NOW THEREFORE BE IT RESOLVED, that the new Super Agency contain an office on Indian employment rights which shall have the responsibility to insure that all Federal agencies carry out their responsibilities imposed by 7 (b) of P.L. 93-638 and to take other necessary actions to promote the employment rights guaranteed to Indians by Section 12, of the IRA, and Federal laws, orders and regulations.

THE FOLLOWING IS A SUMMARY OF THE ENERGY WORKSHOP HELD ON JANUARY 18, 1978 IN CONJUNCTION WITH THE NATIONAL CONGRESS OF AMERICAN INDIANS EXECUTIVE COUNCIL MEETING. CONTAINED IN THIS SUMMARY ARE RECOMMENDATIONS THAT WERE ADOPTED BY THE EXECUTIVE COUNCIL ON FRIDAY, JANUARY 20, 1978.

The workshop was chaired by Don Wright, Alaska Area Vice President.

The Honorable Philip S. Hughes, Assistant Secretary for Intergovernmental Affairs of the Department of Energy attended the workshop to further explain the function of his office and answer questions.

Mr. Hughes office functions as a liaison between Departments and the non-international world. He is developing a communications center to facilitate resource identification and development. There is to be an Indian Desk and Mr. Hughes is actively seeking recommendations for his staff and will welcome any suggestions. His address is 736 Jackson Place, 395-5896.

Mr. Hughes stated that it would be most efficient to use "old trails" if they are still available or develop "new trails" through his office. He is developing a small staff familiar with energy related problems of concern to the individual Indian and the Tribes. There will be Indians employed to establish communications with the Tribes. He hopes to have two staff available within a month. The Indian Desk will be aware of all Federal monies available. There are sources of funds within DOE and he is seeking to acquire other funds for the uses that were mentioned at the meeting.

In response to a request for more information about the DOE proposed legislation, now in the draft stage, Mr. Hughes stated that the purpose is to attempt to provide a single mechanism for planning and for developing the capacity to deal with energy problems with states, localities and Indian Tribes. The national energy problem cannot be dealt with by the Federal government alone because the resources, zoning and controls are in other hands. The legislation will provide between 50-100 million dollars for planning, organizing, training and knowledge gathering. These funds will be distributed on a formula basis and for special purposes; no matching funds will be required. Initially the Federal portion will be 100% and diminish to 75% over a period of years. Mr. Hughes responded favorably to a request for review and input by NCAI of the proposed legislation.

The group discussed the non-availability of resource identification information for Indian lands and adjacent lands where the initial exploration has already occurred. Andy Ebona advised the group that the United Indian Planners are pulling together a report on geothermal energy that will be available within the next several days.

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The following resolutions were introduced and adopted at the National Congress of American Indians Executive Council Meeting on January 20, 1978, in Washington, D. C.

Resolution No. 1
SUPPORT OF NORTHWEST TREATY FISHING RIGHTS
Adopted by NCAI Executive Council on January 20, 1978

WHEREAS: in 1855 the United States of American entered into a series of treaties with the Indian tribes in Washington State; and

WHEREAS: these treaties, ratified by the Senate, pursuant to the Constituition of the United States of America; and

WHEREAS: these treaties have been upheld and interpreted by Federal District Court in U.S. v. Washington; and

WHEREAS: the Regional Team of the President's Federal Task Force on Washington State Fisheries issued a report with a series of recommendations that, if implemented, would amend or abrogate these treaties; and

WHEREAS: the treaty tribes are determined to retain their sacred heritage as embodied in these treaties, for themselves and their posterity;

NOW THEREFORE BE IT RESOLVED, that the Executive Council of the National Congress of American Indians do hereby fully support the self-determination of the tribes in Washington State in their fight to retain their historic treaty rights.

Resolution No. 2
REQUEST FOR REVIEW OF BIA HOUSING PROGRAM
Adopted by NCAI Executive Council on January 20, 1978

WHEREAS: members of the National Congress of American Indians Subcommittee on Indian Housing and represented housing authorities have realized that BIA statistics are frequently inaccurate; and

WHEREAS: there are continual problems with the BIA's Housing Improvement program (HIP);

THEREFORE BE IT RESOLVED, that the National Congress of American Indians request the BIA to conduct a comprehensive review and assessment of their Indian housing programs and submit a written report to Indian tribal officials, housing authorities and national organizations

Resolution No. 3
RELEASE OF HUD PLAN FOR INDIAN HOUSING
Adopted by NCAI Executive Council on January 20, 1978

WHEREAS: HUD Special Counsel Joseph Burstein has revealed that he has completed a new comprehensive plan for American Indian housing and has presented that plan to Secretary Harris for her review and recommendations; and

WHEREAS: he has not presented that plan to American Indian official tribal representatives, housing authorities or national organizations for their review and input;

NOW THEREFORE BE IT RESOLVED, that the National Congress of American Indians direct Mr. Burstein to immediately release his plan to Indian people and seek their input before adopting a final version of that plan.

Resolution No. 4
TO CREATE AN NCAI COMMITTEE ON HOUSING
Adopted by NCAI Executive Council on January 20, 1978

WHEREAS: there currently exists a National Congress of American Indians Subcommittee on Indian Housing, which to this day has been a part of the NCAI Reservation Development Committee; and

WHEREAS: the magnitude and seriousness of the Indian housing problems has moved the NCAI Housing Subcommittee members to call for the establishment of a full NCAI Housing Committee;

NOW THEREFORE BE IT RESOLVED, that the National Congress of American Indians Housing Subcommittee from this day forward will become a full standing NCAI Housing Committee, with Roland Chico as its Chairperson, so as to more effectively address the problems of Indian Housing.

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Resolution No. 5
SUPPORT OF SCHURZ INDIAN HOSPITAL
Adopted by NCAI Executive Council on January 20, 1978

WHEREAS: it has been reported that the Indian Health Service H.S.P.H.S. may be contemplating the closure of the hospital at Schurz, Nevada; and

WHEREAS: the Schurz Nevada Indian Health Service Hospital was built by the Bureau of Indian Affairs Health Division; and

WHEREAS: the Schurz Nevada Indian Health Service Hospital is the sole facility servicing the entire Indian population of Western Nevada from the Oregon Border in the north to the Arizona border in the south and was originally built to provide services to eastern California's Indian population and tribes; and

WHEREAS: such rumored closure would substantially effect the Indian populations' access to acceptable health facilities, and lead to greater unmet health needs of the Indian populations because of the great distances which would have to be traveled, subjecting them to practitioners who have no experience with the unique health needs of the Indian populations and by reliance on contract care institutions seriously escalating the costs of providing such services and seriously decreasing the delivery of health services that are vital to the safety and health of the Indian popultions; and

WHEREAS: the Indian Health Service has been criticized for failing to develop regional hospitals, and the rumored closure of the facility at Schurz will remove a facility ideally located for regional specialization; and

NOW THEREFORE BE IT RESOLVED, by the National Congress of American Indians, unanimously passed by the assembled delegates, that the National Congress of American Indians is unalterably opposed to the closure of the Indian hospital facility at Schurz; and

BE IT FURTHER RESOLVED, that staff of NCAI take all possible opportunities to express the National Congress of American Indians' desire that the Schurz Nevada Indian Health Service Hospital which has so faithfully served the needs of the Indian populations to be both renovated and continued and also take all opportunities to argue for the continuation of the facility before the Office of Management and Budget and the Appropriations Committees of the Congress and other appropriate committees

BE IT FURTHER RESOLVED, that the director and staff are directed to send copies of this resolution to the appropriate members of the Executive Department, to all Senators on the U.S. Senate Appropriations Committee, and the Senate Select Committee on Indian Affairs and other selected Congressmen and Senators.

Resolution No. 6
SUPPORT FOR S.J. RESOLUTION 102 - AMERICAN INDIAN RELIGIOUS FREEDOM ACT
Adopted by NCAI Executive Council on January 20, 1978

WHEREAS: the freedom of religion is an inherent and fundamental right graranteed to all people by the First Amendment of the United States Constitution: and

WHEREAS: Federal Law and administrative practices have often resulted in infringement upon and abridgement of the right of American Indians in the practice of their traditional religious; and

WHEREAS: there has been introduced in the Congress Joint Resolution (S.J. Res. 102) which states that the policy of the United States shall be to protect and preserve the right of American Indians, Eskimos, Aleuts, and Native Hawaiians to believe, express, and exercise their traditional religious and directs Federal executive agencies to evaluate their policies and procedures to determine changes necessary to preserve and protect American Indian religious cultural rights and practices.

NOW THEREFORE BE IT RESOLVED, that the National Congress of American Indians (NCAI) strongly supports passage of S.J. Res. 102 entitled the American Indian Religious Freedom Act.

Resolution No. 7
SUPPORT FOR ASSOCIATION ON AMERICAN INDIAN TRADITIONAL AND CULTURAL ACTIVITIES
Adopted by NCAI Executive Council on January 20, 1978

WHEREAS: the freedom of religion is an inherent right of all people; and

WHEREAS: Indians have the right to preserve their culture through the practice of their traditional ways; and

WHEREAS: there is a need for an organization to develop a special expertise and to devote its full time efforts in promoting American Indian traditional and cultural activities; and

WHEREAS: in the new spirit of unity, all Indian organizations should be supportive of a bona fide Indian group who are trying to achieve a worthwhile purpose;

NOW, THEREFORE BE IT RESOLVED, that the NATIONAL Congress of American Indians (NCAI) voices its strong support for the purposes embodied in the Association on American Indian Traditional and Cultural Activities.

Resolution No. 8
SUPPORT FOR EXTENTION OF THE LIMIT UNDER DROUGHT ASSISTANCE ACT
Adopted by NCAI Executive Council on January 20, 1978

WHEREAS: the Shoshone Bannock Tribes officially supports the extention of time to complete irrigation projects under the Drought Assistance Act; and

WHEREAS: it is physically impossible to complete the contracts before January 31, 1978 and to stop completion of our project is a breach of our contract; and

WHEREAS: it appears to the Shoshone Bannock Tribe that the Drought Assistance Act was for the purpose of financially benefiting one or more groups and the Tribes remain victim of this unjust and possible illegal act committed;

NOW THEREFORE BE IT RESOLVED, that NCAI officially requests action and support from all the appropriate agencies and officials.

Resolution No. 9
SUPPORT FOR EFFORTS OF CONCERNED INDIAN PARENTS OF THE MINNEAPOLIS AREA
Adopted By NCAI Executive Council on January 20, 1978

WHEREAS: the NCAI Indian Education Committee supports the Concerned Parents for Quality Education in the Minneapolis school system; and

WHEREAS: the Minneapolis school system fails to meet the mandated state and federal regulations regarding education; and

WHEREAS: there is a 1976 State Legislative Act concerning planning, evaluation, and review;

NOW THEREFORE BE IT RESOLVED, that the NCAI support those concerned community parents in their efforts to work with the east area administrators, principals, and concerned people.

Resolution No. 10

Adopted by NCAI Executive Council on January 20, 1978

WHEREAS: complaints and questions have been presented to members of the Yakima Tribal Council about Probate hearings being held in Yakima, Washington; and

WHEREAS: concern has been expressed about the way testimony and commetns are received at the hearings; and

WHEREAS: office facilities exist at the Yakima Indian Agency at Toppenish, Washington for conducting Probate hearings; and

WHEREAS: Probate hearings conducted at Toppenish, Washington whenever possible would be more convenient for all parties involved;

NOW, THEREFORE, BE IT RESOLVED, by the Yakima Tribal Council meeting in regular session at the Yakima Indian Agency, Toppenish, Washington, on this 2nd day of November, 1976, a quorum being present, that:

1. All Probate hearings involving Yakima Indians be held at the Yakima Indian Agency, Toppenish, Washington.
2. A procedure be implemented so that the reporter record all testimony and comments made by individuals at these Probate hearings.

Resolution No. 11

Adopted by NCAI Executive Council on January 20, 1978

WHEREAS: hearings regarding probate of trust estates of members of the Yakima Tribe have been held in areas and places that are inconvenient to Yakima heirs; and

WHEREAS: there is a need to hold the probate hearings in a tribally recognized location in order to be readily available for information on record, interpretation and assistance when needed for all Yakima Indian Tribal enrollees.

NOW, THEREFORE, BE IT RESOLVED, by the Yakima General Council, meeting in regular session at the Satus Longhouse, Satus, Washingtion, a quorum being present, that the Secretary of the Interior and the Civil Service Commission is hereby requested that probate hearings involving Yakima members be held at the Governmental Offices of the Confederated Tribes and Bands of the Yakima Indian Nation, Toppenish, Washington.

Resolution No. 12

Adopted by NCAI Executive Council on January 20, 1978

WHEREAS: Representative Cunningham has introduced HR 9054 which provides for the abrogation of all treaties entered into between Indian Tribes and the United States of America; and

WHEREAS: Representative Cunningham has introduced HR 9175 calling for the placing of all Indian treaty fishing rights within state control: and

WHEREAS: Representative Cunningham has introduced HR 9736 which prohibits the Indian treaty steelhead fishing; and

WHEREAS: Representative Meeds and other Washington Representatives have introduced HJR 1 calling for the establishment of a commission to examine the affect of Indian offreservation treaty fishing rights; and

WHEREAS: Representative Meeds and other Representatives have introduced HR 9950 which all limit treaty reserved jurisdiction powers of Indian tribes in the United States; and

WHEREAS: Representative Meeds and other Representatives have introduced HR 9951 which would limit the treaty reserved water rights of Indian Tribes to the maximum amount of water that they have used during the past five years to January 1, 1977; and

WHEREAS: the General Council of the Yakima Indian Nation has examined bills of this nature at its General Council meeting and otherwise through its publications; and

WHEREAS: the General Council of the Yakima Indian Nation is apprehensive toward similar unconstitutional bills being introduced in to Congress which would be detrimental to the Yakima Treaty; and

WHEREAS: after such examination, the General Council has come to the conculsion these bills are a severe threat to the Yakima Nation's treaty rights and other Tribes' treaty rights and would terminate fishing and water rights and one of the bills would abrogate all treaty rights; and

WHEREAS: the Yakima General Council does feel that this proposed legislation is a severe termination threat to the Yakima Nation and is a breach of the word of the United States of America toward the original occupants of this country who have given so much toward the development of the United States of America.

NOW, THERFORE, BE IT RESOLVED, by the Yakima General Council, meeting in regular session at the Satus Longhouse, Satus, Washington, on this 1st day of December, 1977, a quorum being present, that these and similar bills are vigorously opposed by the Yakima Indian Nation under authority of the Yakima Treaty of 1855 and that its Tribal Council and a select Committee of four (4) from the General Council (T-38-56, Sec. 4 b) are hereby directed to take all measures to defeat the passage of these bills.

YOSEMITE

A motion by Rachel Nabahe to support the American Indian Council of Mariposa County in its efforts to secure land within the Yosemite Valley specifically for use by the Indian Community.

The following were adopted at a Special Executive Council Meeting on Tribal Recognition in Nashville, Tennessee on March 29, 1978.

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THE NATIONAL CONGRESS OF AMERICAN INDIANS DECLARATION OF PRINCIPLES ON TRIBAL RECOGNITION BY THE U. S. GOVERNMENT

1. The United States Government has a permanent obligation to protect, preserve and defend the inherent sovereign rights of all Indian Tribes choosing to engage in a relationship with the United States.

2. The United States has on an arbitrary basis failed to fulfill its obligations to all Tribes weak and vulnerable.

3. The National Congress of American Indians, an organization which represents the common interests of all Tribes, demands that the United States fulfill its obligation and acknowledge the existence of these Tribes and protect their rights to the fullest extent of the law.

4. The failure of the United States to establish and maintain consistant policies for extending political recognition to all Indian Tribes, has allowed State and local Governments, and private interests, to infringe upon the sovereign rights and powers of such un-recognized Tribes over land, people, and resources.

5. The level of federal support and assistance should not be dependent upon the arbitrary aspects of budgetary considerations, but should be based on the protections and services to which the tribes are entitled.

6. As additional tribes are confirmed in their status, the federal government must appropriate funds above and beyond the operating levels presently received by currently-recognized tribes. Tribes recognized pursuant to any criteria must have their needs met out of additional appropriations that will be sought by the responsible federal agencies.

7. There must be a valid and consistent set of criteria applied to every group which petitions for recognition. The criteria must be based on ethnoligical, historical, legal and political evidence. It is the inherent right and responsibility of each and every existing tribe to determine its membership through its own defined criteria and no already federally recognized tribe should be required to accept newly recognized groups into tribal membership without the consent and approval of the existing tribe.

8. Only those tribes or groups who satisfy criteria to be established prusuant to principle #7 may be recognized.

9. Every determination that a group is not an Indian tribe must be clearly justified on the group's failure to meet the legitimate criteria.

10. Recognition must carry with it all the force and impact which recognition by treaties, legislation, or administrative actions has carried.

11. Recognition shall not negate or affect in any way the previous recognition granted other tribes by treaties, legislation, or administrative action nor affect or dilute tribal assets or existing reservations of any already federally recognized Indian tribe without the consent and approval of the already federally recognized tribe.

12. Upon recognition of a tribe's status, the United States should inform the tribe of the rights, benefits, and protection afforded by Federal Indian law. It shall be the responsibility of Congress to appropriate at the request of the tribes, additional funds to related federal agencies to fulfill these trust obligations.

THE NATIONAL CONGRESS OF AMERICAN INDIANS
Statement on S.2375
the Senate Recognition Bill

The National Congress of American Indians opposes S.2375 unless the tribes are properly approached and consulted for input.

THE NATIONAL CONGRESS OF AMERICAN INDIANS
Statement on the Inclusion of Hawaiian Natives in Native American Programs

The National Congress of American Indians does not support the inclusion of Hawaiians in Native American programs but does support special legislation addressing the Hawaiian issues.

RESOLUTION

Representatives from the All Indian Pueblo Council in addressing the delegates, recounted events surrounding the appointment of the new BIA Albuquerque Area Director and then distributed the following AIPC resolution. A motion from the floor was approved to adopt the AIPC resolution as a means of showing NCAI's support for the All Indian Pueblo Council.

WHEREAS: the nineteen (19) Pueblo Governors strongly believe in and support meaningful tribal consultation and the concept of Indian self-determination; and

WHEREAS: tribal consultation has in many instances become nothing more than a meaningless exercise to justify pre-determined decisions of the Federal Government; and

WHEREAS: the nineteen Pueblo Governors strongly feel that there exists a need for federal legislation which will clarify the restrictions, limitations and the authority of tribal governments in the hiring of key personnel within the Bureau of Indian Affairs (BIA), the Indian Health Service (IHS), as well as tribal participation in the determination of key policies which directly affect the Indian tribes and their people; and

WHEREAS: the nineteen Pueblo Governors strongly feel that there exists a conflict between the concept of Indian self-determination through tribal consultation and the Federal Government Regulations dealing with appointment of key personnel and major policy decisions affecting the Indian tribes.

NOW THEREFORE BE IT RESOLVED that the nineteen Pueblo Governors authorize the Chairman of the All Indian Pueblo Council, Delfin J. Lovato, to request through our Congressional Delegation and other members of the Congress, that a clarification as to what self-determination and tribal consultation mean either through amendment of Public Law 93-638, the Indian Self-Determination Act, or through other appropriate legislation.

BE IT FURTHER RESOLVED that the nineteen Pueblo Governors strongly feel such a clarification of tribal consultation and self-determination would further the best interest of the Indian tribes and the Federal Government.

RESOLUTION

WHEREAS: The Oliphant case deprives tribes of criminal jurisdiction to try and punish non-Indians who violate tribal laws for the peace and safety of the reservations, and now leaves a major gap in the peace and safety of tribal communities; and

WHEREAS: under many treaties and under the so-called "Dependent Status" of tribes, the United States has the responsibility to protect the peace and safety of tribal communities;

NOW, TEREFORE, BE IT RESOLVED that the National Congress of American Indians hereby calls upon the President of the United States to convene a task force consisting of the Attorney General, the Secretary of the Interior, the Assistant Secretary of Interior for Indian Affaris, and such other persons, including representatives of Indian tribes, to recommend solutions to the problem of non-Indians who violate the peace and safety of tribal communities; and that the recommendations be made back to the President within 60 days of the appointment of the task force.

BE IT FURTHER RESOLVED that the National Congress of American Indians authorizes the President of the National Congress of American Indians or her representatives to avail themselves for the task force.

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Resolutions Adopted in Spokane, Washington at the NCAI Mid-year Conference, June 28, 1978

1. Establishing a Selection Committee to Determine Method of Filling Vacancy for the Office of Executive Director of NCAI.
2. Religious freedom at Walla Walla State Prison in the State of Washington.
3. NCAI Response to the President's Water Policy and the GAO Report on Indian and Reserved Water Rights.
4. Opposing H.R. 12531.
5. Telegram and Policy in Support of H.R. 8099.
6. Acceptance and Adoption of A.I.P.C. Resolution on Tribal Jurisdiction.
7. Endorsement and Strategy on Bilingual Education Act, Title VII of Elementary and Secondary Education Act.
8. Establishment of a Task Force within the NCAI Indian Education Concerns Committee to Wotk in Conjunction with the National Indian Education Association (NIEA) to Aid in the Securing of Funds for the NIEA.
9. Opposition to the Transfer of BIA Education Programs to the Proposed Department of Education.
10. Appointment of a Group to Furnish Recommendations to the Senate Select Committee on Indian Affairs for Amendments to Title IV of P.L. 92-318 and Title XI of H.R. 15 Appointment of Those Representatives to Be Solicited From the NCAI Area Vice-Presidents.
11. Labor Intensive Public Works Act.

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Policy Resolution No. 1

ESTABLISHING A SELECTION COMMITTEE TO DETERMINE METHOD OF FILLING VACANCY FOR THE OFFICE OF EXECUTIVE DIRECTOR OF NCAI

Adopted at the NCAI Mid-year Conference, June 28, 1978

WHEREAS: Article V, Section 4(d) of the NCAI Constitution and Bylaws provides that the Executive Council shall select and arrange for the employment of the Executive Director, and

WHEREAS: the office became vacant on May 1, 1978 and the Executive Committee took interim measures in a special meeting at Albuquerque, New Mexico on May 5, 1978 as follows:

Provided that Charles E. Trimble retain the office and title of Executive Director, but be permitted to vacate the duties and responsibilities in order to assume the directorship of the United Effort Trust; and

Provided that the position of NCAI administration be established for an interim period pending further action by the Executive Council to carry out provision stated above, said administrator to assume the full duties and responsibilities for the interim period; and
Selected by ballot for the employment of Albert W. Trimble as NCAI Administrator, and

WHEREAS: in order to provide for an orderly and effective process to provide for the selection and employment of the Executive Director the Executive Committee met and adopted the following proposal for presentation to the Executive Council;

That a selection committee for the Executive Directorship be set up composed of the NCAI President; NCAI Vice-President; Three Area Vice-Presidents selected by majority vote within the Executive Committee; and two Tribal Chairmen selected jointly by the President and Vice-President;

That the selection committee pursue the following schedule:

1. First meeting to discuss procedures, potential applicants, etc., at end of mid-year conference.

2. Second meeting to be held in conjunction with the August meeting of the Executive Committee in Billings area to review nomination of applicants; and to review progress in search mission.

3. Third meeting on Sunday, September 17, 1978 proceeding convention in Rapid City to place a slate of names (or single nominee) before the Executive Council for action.

4. Entry on duty of newly selected Executive Director to be date of first meeting of the Executive Committee following the convention (mid-October or early November of 1978)

WHEREAS: in order to preserve ongoing programs of the National Congress of American Indians and particularly in preparation for the annual convention in Rapid City that the current Executive Staff, including the interim appointment of Albert W. Trimble, through the completion of the annual convention and selection and appointment of an Executive Director be approved and ratified by the Executive Director,

WHEREAS: the statement of Albert W. Trimble be herein acknowledged per his request; "It is not my intention to be an applicant for the position of Executive Director" pursuant to the above proposed proceedings.

BE IT RESOLVED, that the foregoing be adopted by the Council.

Policy Resolution No. 2

RELIGIOUS FREEDOM AT WALLA WALLA STATE PRISON IN THE STATE OF WASHINGTON

Adopted at the NCAI Mid-year Conference, June 28, 1978

WHEREAS: American Indians who are incarcerated at Walla Walla state prison have sought to practice their religion as guaranteed by the first amendment of the U.S. Contstitution, and

WHEREAS: officials at the Walla Walla prison attempted to desecrate and destroy a sweat lodge that had been constructed and blessed by a Sioux medicine man on June 3, and

WHEREAS: an Indian inmate, Manuel Rosales, intervened to stop the desecration of the sacred embodiment of his ancestors religion. and

WHEREAS: the National Congress of American Indians was formed to preserve and protect the rights of American Indians

page 116 blank.

NOW, THEREFORE, BE IT RESOLVED, that the National Congress of American Indians convening here this day June 28, 1978, do hereby issue this statement in binding support of our brother Manuel Rosales and all of our other relatives who are members of the Brotherhood of American Indians in Walla Walla prison. We deliver this statement as children of the Great Spirit.

BE IT FURTHER RESOLVED, that NCAI contact the Native American Rights fund to request that legal action be initiated against the State of Washington and Walla Walla prison to protect the religious freedon of American Indians, and

BE IT FURTHER RESOLVED, that NCAI immediately contact Washington State officials to have all charges against Manuel Rosales dropped and that a full investigation be initiated of the prison officials involved and of the institutional policies that caused this incident, and

BE IT FURTHER RESOLVED, that NCAI adopt as a continuous effort the protection of the religious freedom of American Indian prisoners wherever they are in the United States.

Policy Resolution No. 3

NCAI RESPONSE TO THE PRESIDENT'S WATER POLICY AND THE GAO REPORT ON INDIAN AND RESERVED WATER RIGHTS

Adopted at the NCAI Mid-year Conference, June 28, 1978

WHEREAS: the Carter Administration and the Government Accounting Office (GAO) were both made aware of the Committee's nine-point proposal and yet neither the President nor the GAO recognized any of the nine-points fully; and

WHEREAS: comments on the GAO Report have been prepared and attached to this resolution and press statement on the President's policy has been prepared and attached to this resolution;

NOW THEREFORE BE IT RESOLVED by the National Congress of American Indians that the Executive Director of NCAI submit the attached comments on the GAO Report, as the position of NCAI, to GAO no later than July 7, 1978; and

BE IT FURTHER RESOLVED, that the President of NCAI, the Executive Director of NCAI or their designee organize a press conference with the widest possible press attention and attendence to announce the NCAI position reflected in the attached press statement, on the President's national water policy.

Policy Resolution No. 4

OPPOSING HR 12531

Adopted at the NCAI Mid-year Conference, June 28, 1978

WHEREAS: Congressman Phil Ruppe of Michigan has introduced HR 12531, amending the Great Lakes Fisheries Act of 1956;

WHEREAS: hearings held in Petosky, Michigan in January of 1978 showed conclusively that non-Indian sports fishermen in that state have no statistical basis for their claims that Indian treaty fishing has contributed to the depletion of species of fish in the Great Lakes;

WHEREAS: the Bay Mills Indian Community, members of NCAI, are strongly opposed to this legislation and view it as abrogating their treaty rights to fish in the Great Lakes;

WHEREAS: Congressman Ruppe, via his aides, have told tribes in Michigan that his legislation is going to be pushed despite those tribes stated opposition, yet still touted as a compromise position;

WHEREAS: the Bay Mills tribes have successfully defended their treaty fishing rights in Michigan courts;

WHEREAS: they are presently involved in litigation in the Western District Federal Court over treaty fishing rights in which a decision is pending;

WHEREAS: this legislation and the speed at which it is being pushed is clearly an attempt to circumvent that forthcoming dicision, usurping the constitutional power of the Judiciary and theregy is a breach of the division, and balance, of powers within the United States government;

WHEREAS: the National Congress of American Indians is emphatically opposed to any attempt to legislatively abrogate Indian treaty rights;

WHEREAS: this legislation is scheduled for a hearing in the Merchant Marine Fisheries Subcommittee on Fisheries, Wildlife, Conservation and the Environment of Congress on July 12, 1978;

THEREFORE, BE IT RESOLVED, that the NCAI does hereby support the Michigan tribes in their opposition to this legislation and now goes on record as opposing HR 12531;

BE IT FURTHER RESOLVED, that the NCAI does now request Congressman Leggett, the subcommittee Chairman, to cancel the hearings scheduled on this bill and does request Congressman Ruppe to withdraw HR 12531;

BE IT FINALLY RESOLVED, that the Executive Director of NCAI is hereby instructed to direct his staff to work toward the defeat of HR 12531.

Policy Resolution No.5
TELEGRAM AND POLICY IN SUPPORT OF HR 8099
Adopted at the NCAI Mid-year Conference, June 28, 1978

The following telegram was sent out to key Congressmen from the meeting with a vote of approval from the delegates.

The National Congress of American Indians the largest, the oldest and the most representative Indian organization in the United States representing over 140 tribes and meeting at it's annual Mid-year Conference this 26 day of June 1978 does hereby unanimously urge the United States Congress to pass HR 8099 the Ak Chin Water Bill in its present form and without amendments we cannot too strongly express the urgency and the need to this request.

Policy Resolution No. 6
ACCEPTANCE AND ADOPTION OF A.I.P.C. RESOLUTION ON TRIBAL JURISDICTION
Adopted at the NCAI Mid-year Conference, June 28, 1978

WHEREAS: the Pueblo Tribes of New Mexico, as do all other Indian Tribes, recognize and advocate their status as sovereign governments; and

WHEREAS: the Pueblo Tribes are continuously taking steps to exercise and insure the retention of their right to self-government; and

WHEREAS: the recent decision by the United States Supreme Court in the case of Oliphant v. Schlie, has resulted in a restraint on the Pueblo's exercise of self-government; and

WHEREAS: the restriction of the Pueblo's police power over non-Indians found within their reservations poses a threat to the safety and well being of the Indian coummunities;

NOW BE IT THEREFORE, RESOLVED that the National Congress of American Indians take immediate action, in concert with its members, to introduce legislation at the federal level which will confer jurisdiction on tribal governments; tribal police officers, and tribal courts to arrest and try non-Indian offenders committing criminal violations on Indian lands which are not specifically under federal jurisdiction through the Major Crimes Act.

Policy Resolution No. 7
ENDORSEMENT AND STRATEGY ON BILINGUAL EDUCATION ACT,
TITLE VII OF ELEMENTARY AND SECONDARY EDUCATION ACT
Adopted at the NCAI Mid-year Conference, June 28, 1978

WHEREAS: the National Congress of American Indians Education Concerns Committee has received and reviewed the attached position paper, outlining a policy statement and a series of recommendations on the Bilingual Education Act (Title VII, ESEA) as amended under HR 15; and

WHEREAS: the NCAI Education Concerns Committee concurs with the basic position outlined in this paper;

THEREFORE BE IT RESOLVED by the NCAI Mid-year Conference, ESEA amendments as outlined in this paper;

AND BE IT FURTHER RESOLVED that the staff of the NCAI's D.C. office be mandated to distribute copies of this position paper to the appropriate members of the Senate Subcommittee on Education, Arts, and Humanities; the Senate Select Committee on Indian Affairs, and other Senate committees as appropriate, informing them that the paper outlines the NCAI position on the Title VII Amendments; and

AND BE IT FURTHER RESOLVED that the staff of NCAI's D. C. office be mandated to pursue the actions outlined in the recommendations, securing assistance from appropriate resource persons and agencies as necessary to these ends.

As the content of this letter will show, NCAI is actively continuing its effort to inform congressional personnel of the scope and depth of Indian concerns on this matter still, the challenge to prevent these proposals from becoming law in any form depends on each tribes continuing efforts to influence congressional authority. Action must be undertaken and intensified immediately. Official tribal delegates themselves must speak to these issues. Action must be taken immediately: progress Congressional action on the proposal is coming more rapidly than any person's projections had anticipated.

Each tribe or tribal authority must adopt its own position on the issue, and draft a written summary of the position to this end. The written statement need not be lengthy. "We oppose the transfer of BIA education services from Interior to the new Department of Education," signed by the tribal chairman or other appropriate official, will suffice. Tribal endorsement of the NCAI resolution passed at the mid-year meeting (see attached) will also be useful, of course. Immediately inform the NCAI Washington office (202-347-9520) of the position your tribe has taken. Send copies of official statements of position to the Washington office.

1. NCAI voting delegates need Resolution opposing the BIA inclusion of education included in S.991.

2. Lobbying strategy on opposing inclusion of Indian Education in S.991.

    2.1 NCAI Tribal Delegates campaign on July 5,6,7,1978.

    2.2 NCAI Tribal Delegates campaign during the week of July 10-15, 1978 and July 17-22, 1978.

    2.3 Make sure delegates know exactly what we are opposing.

    2.4 Use Area Vice Presidents in coordinating lobbying effort, need "Red Alert" notice sent out by NCAI.

    2.5 Georgianna, NCAI Education, will send out "Red Alert" notices to all members of NCAI general Tribal membership.

    2.6 Each NCAI member Tribe opposing the S.991 transfer contact their own Congressman and Senator stating this recommendation.

    2.7 Education Committee recommends that personal contact be made with the following:

    Senate Governmental Affairs Committee:

    Ted Stevens (Alaska)
    Henry M. Jackson (Washington)
    Jacob K. Javits (New York)
    John Glenn (Ohio)
    Thomas P. Eagleton (Missouri)
    Mark Hatfield

    Senate Select Committee

    Human Resource Committee

    2.8 Georgianna can be contacted at NCAI by all Tribal delegates coming to D.C. on the campaign effort.

    2.9 Three people per group.

    2.10 Divide the tribal delegates up by weeks:

    July 5,6,7, 1978
    July 10-15, 1978
    July 17-22, 1978

    2.11 Tribal delegates, if can't make the trip to D.C., do personal contact in their own States with their congressional delegates.

    2.12 Write a "dear colleague" letter to members of the Governmental Affairs Committee

    2.13 NCAI Education Concerns Committee will provide supportive documentation for all Tribes interested in participating in this effort.

NCAI MID-YEAR CONFERENCE INDIAN EDUCATION CONCERNS COMMITTEE POLICY STATEMENT AND RECOMMENDATIONS ON THE BILINGUAL EDUCATION ACT (TITLE VII, ESEA AS AMENDED UNDER HR-15)

1. While Title VII, the bilingual education act, has had a long history of impact on many of the nation's speech communities since the time of its first passage in 1967, the provisions of the Act have, by and large, not been relevent to the language needs of America's Indian and Alaskan native communities. In the main, this can be traced to the definition of student eligibility contained in the legislation. To be eligible for services under Title VII auspices, students must have a first language other than English; or come from home environments where the language commonly used is other than English; and as a result must have difficulty speaking English.

Most Indian students are excluded from that grouping. The service record of Title VII (and of the Office of Bilingual Education enabled by that Act) bears this out. Of the 135 million dollars disbursed by OBE in FY 76, 3.25 million was awarded to schools serving Indian children, and only 32 schools received those funds. In effect, less than 2.5% of available Title VII monies were directed toward Indian language needs that year, 27 languages were involved in the funded programs, leaving needs and interests in over 170 different Indian languages not being addressed under OBE initiatives.

A survey completed by the National Indian Training and Research Center (NITRC) that same year shows what this limited support means in human terms: their survey of students in BIA schools and public schools receiving JOM assistance identified 57,709 students with perceived bilingual needs and 15,255 of those students with Bilingual needs being fully or partially met through existing programs -- including, but not restricted to, the Title VII effort. This means, in turn, that 42,434 Indian students with perceived bilingual needs are not having those needs addressed in any form by the schooling programs available to their communities.

But even if we accept the idea that Title VII can meet the language needs of only a minimal number of Indian students the Act still has potential impact and importance for the language-related aspects of Indian self-determination.

- Title VII is the only federal legislative statement which defines what might be termed the "federal position" on language pluralism in education or on student language rights; Title VII has served as the model for the proposed or recently passed bilingual education acts in Wisconsin, Washington, and in other states. As long as federal legislation serves as the model for state action, Indian exclusion from services on the state-level bilingual efforts is almost guaranteed.
- The definition of student language-related needs spelled out in the Title VII act has served as the model of need and eligibility in subsequent federal legislation and policy statements. The definition on language need outlined in the Lau regulations -- and the continued exclusion of Indian interests from the Lau compliance process, is only one example of the consequences.

2. There are, then, several reasons why every effort should be undertaken to make the provisions of the Bilingual Education Act more responsive and sensitive, where the needs and interests of the tribes and communities are concerned. In response to a resolution passed by NCAI at their annual meeting in Dallas, Texas, 1977, and through the initiatives of the NCAI education staff in Washington, D.C. since that meeting, several provisions have been added to the Title VII amendments in HR-15 to this end. Taken with other of the amendments introduced to the Act by the House, a broader access to services under this program can now be expected in Indian country.

In specific,

a) The focus of the act has shifted from students with "limited English speaking ability" to students with "limited English proficiency". Understanding, reading, and writing English, as well as speaking English, are now to be considered when defining student needs.

b) The ultimate purpose of the act has now been redefined. The previously stated goal — assisting students to progress effectively through the educational system, has been replaced by a more precise and measureable goal -- to assist students in achieving competence in English.

c) Several changes in the operation and implementation of funding and other services under the Act have been revised. Of particular interest is the mandate which allows the Comissioner of bilingual education to make payments directly to the applicants even if the applicant is a BIA school. The present practice of sending all Title VII awards through the Department of the Interior, and through the BIA hierarchy, is preempted by this provision.

d) The definition of "limited English proficiency" has been expanded to include:

> "... in the case of American Indian students, individuals who come from environments where a language other than English has had a significant impact on their level of English language skills..."

in the sense further defined by the commissioner through regulations.

This final change holds particular importance to the eligibilty of Indian students for services under Title VII. No longer must the (Indian) student be a speaker of his/her ancestral language or come from a home context where that language is the primary means of communication. Instances where the students English contains patterns of pronounciation and grammatical constructions traceable to the community's ancestral language traditions will be sufficient for eligibilty under this provision. And in such cases, the only educational remedy which could address the situation — that is, could build student strength in standard English without affecting the students' existing language skills, is a program of coordinated language arts instruction aimed at English and ancestral language proficients. Schools will no longer be restricted to a use of the ancestral language arts purpose only.

3. Title VII has been amended with the provisions just outlined by the U.S. House of Representatives. Com*parable provisions were introduced into the Senate version of Title VII. Points a) and b) were accepted by* committee discussion but c) and d) were deleted at that time. Efforts are already underway to reintroduce c) and d) into the Senate version during floor debate.

But even if this move proves to be successful, the work is not completed. Title VII as amended will require the development of new regulations; the content of these regulations will need to be carefully reviewed, to make certain that Indian benefit allowed by the new Act has not been excluded after the fact. New needs assessment tasks and new concepts of language instruction may be required when tribes, tribal communities and school application under the amended Act. An information campaign, to make certain Indian applicants are familiar with the new provisions and opportunities; and a program to provide technical assistance when proposals are being developed and when successfully funded projects are being implemented, are both going to be neccessary; And of course the awards process will need to be closely monitored to make certain that tribes abd communities are receiving their due, new amendments or not.

4. Toward those ends, the following recommendations seem appropriate:

1. NCAI should give its fullest support to the House version of the Title VII, Bilingual Education Act, as contained in HR-15; and endorse efforts to include comparable rpovisions in the Senate version of this act.
2. NCAI, through its staff in Washington, D.C. and its membership in the field, work actively with Senate personnel to develop and promote the amendments necessary to bring the Senate version into closer harmony with the House version.
3. NCAI, through its staff in Washington, D.C. and its membership in the field, should work closely with the Office of Bilingual Education during the development of the new Title VII regulations, to make certain that Indian interests are protected in their wording. An NCAI review of the regulations should also be designed.
4. NCAI membership should be informed at the earliest date as to the new provisions in the Title VII, Bilingual Education Act and the kinds of new opportunities for language-related self-determination which the Act will allow.
5. NCAI should develop a plan through which member tribes and communities can receive access to technical assistance, both when developing their Title VII proposals and when implementing proposals successfully funded in the competition.
6. NCAI, through its Washington, D.C. staff and its membership in the field, should develop a plan for monitoring the awards process in the Office of Bilingual Education, to make certain that Indian interests are being protected by that process.
7. NCAI education concerns committee should receive an up-date report on tasks 1-6 at the Rapid City meeting and the mid-year meeting in 1979.

Policy Resolution No. 8

ESTABLISHMENT OF A TASK FORCE WITHIN THE NCAI INDIAN EDUCATION CONCERNS COMMITTEE TO WORK IN CONJUNCTION WITH THE NATIONAL INDIAN EDUCATION ASSOCIATION (NIEA) TO AID IN THE SECURING OF FUNDS FOR THE NIEA

Adopted at the NCAI Mid-year Conference, June 28, 1978

WHEREAS: the National Congress of American Indian has always identified education as a priority; and

WHEREAS: there exists the National Indian Education Association to address educational issues at the national level; and

WHEREAS: there has been a close working relationship between NCAI and NIEA through the educational committee of NCAI known as the NCAI Indian Education Concerns Committee; and

WHEREAS: NIEA is currently in a financial bind that seriously threatens the effectiveness and survival of the organization at a period when Indian Country needs strong educational leadership; and

WHEREAS: NIEA needs a funding commitment from the Indian tribes if the organization is to develop into an ongoing and stable system through which educational issues are funneled, THEREFORE BE IT RESOLVED that the National Congress of American Indians gives authority to its Indian Education Concerns Committee to establish a task force in conjunction with NIEA to draft a plan whereby the aforementioned need is addressed, and

BE IT FURTHER RESOLVED that this plan for tribal financial assistance be prepared for presentation and review by NCAI delegates at the 35th Annual NCAI Convention to be held in Rapid City, South Dakota on September 18-22, 1978.

Policy Resolution No. 9

OPPOSITION TO THE TRANSFER OF BIA EDUCATION PROGRAMS TO THE PROPOSED DEPARTMENT OF EDUCATION

Adopted at the NCAI Mid-year Conference, June 28, 1978

WHEREAS: The Committee on Governmental Affairs is now actively considering legislation (S.991) to create a seperate, cabinet-level Department of Education in the Federal Government; and

WHEREAS: the proposed legislation (S.991) favors the transfer of all BIA Education programs to the Proposed Department of Education; and

WHEREAS: the committee is now working toward the immediate transfer of operational and policy responsibilities "with respect to the operation of schools for Indian children being administered by the Secretary of Interior through the Bureau of Indian Affairs: to the Department of Education; and

WHEREAS: Public Law 93-638, the Indian Self-Determination and Education Assistance Act," recognizes and reaffirms the obligation of the United States to respond to the strong expression of the Indian people for self-determination by assuring maximum Indian participation in the direction educational as well as other Federal services to Indian communities so as to render such services more responsive to the needs and desires of those communities"; and

WHEREAS: The Congress in Public Law 93-638 "declares its commitment to the maintenance of the Federal Government's unique and continuing relationship with and responsibility to the Indian people through the establishment of a meaningful Indian Self-Determination policy"; and

WHEREAS: Public Law 93-638 establishes a "government to government relationship" between the Indian Tribal governments and the United States; and

WHEREAS: The President of the United States in a message to tribal councils on October 14, 1976, made a campaign promise "that his Administration would not take unilateral action on any issue regarding Indian Affairs without full consultation with Tribal representatives; that to the greatest extent possible, programs for Indian tribes would be designed, implemented, and managed by Indian Tribes; and that the majority of decisions affecting Indian tribes would be made in the Tribal Council room and not in Washington, D.C.; and

WHEREAS: Senator Ribicoff, Chairman of the Committee on Governmental Affairs and sponsor of S.991, stated that "it is his intent that the various components of the bill, including the proposed transfers, would be thoroughly discussed"; and

WHEREAS: Indian Tribal Governments have not been consulted with regarding this proposed legislation (S.991) which will have an effect on programs and services aiding the education of Indian students; and

WHEREAS: the Senate Committee on Governmental Affairs should have had field hearings with Indian Tribal governments before any decisions were made regarding BIA education programs.

NOW, THEREFORE BE IT RESOLVED THAT the National Congress of American Indians at its' Mid-year Conference held in Spokane, Washington, opposes the inclusion of BIA Education Programs in S.991;

BE IT FURTHER RESOLVED THAT the National Congress of American Indians opposes the Carter Administration's recommendation that all BIA Education Programs be transferred to the New Department of Education.

BE IT FURTHER RESOLVED THAT the National Congress of American Indian requests the Congress and the Administration to live up to the congressional policy mandates established in P.L. 93-638 requiring that Indian Tribes be consulted with before any changes are implemented in Indian Education programs.

BE IT FURTHER RESOLVED THAT the executive officers of NCAI be directed to circulate copies of this resolution reflecting NCAI's position on this issue, to the Senate Select Committee on Indian Affairs, the Senate Committee on Governmental Affairs, to the authorities in the federal system; and to appropriate persons in the national news media.

BE IT FURTHER RESOLVED THAT the National Congress of American Indians directs the Senate Committee on Governmental Affairs to amend S.991 to exclude BIA Educational Programs from the bill.

No Indian tribe or tribal organization has yet to find the amendments to S.991, Section 7(a)(9), which attempt to offset the objections raised by the national Indian community, to be acceptable responses to their concerns.

Policy Resolution No. 10

APPOINTMENT OF A GROUP TO FURNISH RECOMMENDATIONS TO THE SENATE SELECT COMMITTEE ON INDIAN AFFAIRS FOR AMENDMENTS TO TITLE IV OF P.L. 92-318 AND TITLE XI OF H.R. 15 APPOINTMENT OF THOSE REPRESENTATIVES TO BE SOLICITED FROM THE NCAI AREA VICE-PRESIDENTS.

Adopted at the NCAI Mid-year Conference, June 22, 1978

WHEREAS: the Education Concerns Committee of the National Congress of American Indians reaffirms their commitment to the continuance, improvement and increased funding level as set forth in resolutions passed by the 34th National Congress of American Indian Convention in Dallas, Texas; and

WHEREAS: the passage of ESEA is eminent including Indian Education amendments; and

WHEREAS: an invitation has been officially extended through Peter Taylor, from the Senate Select Committee on Indian Affairs, to the Education Concerns Committee to appoint a representative group from the committee to furnish recommendations to the Senate Select Committee on legislative amendments relative to Title IV, P.L. 92-318, the Indian Education Act of 1972 and all of H.R. 15, Title XI;

THEREFORE BE IT RESOLVED THAT, this group be approved by NCAI voting delegation in general session, Wednesday June 28, 1978; their specific charge being address Title IV amendments, and other amendments which will be considered for incorporation into the Senate Companion to H.R. 15, Title XI ESEA, consistant with the objections raised and revisions recommended through NCAI member tribe's testimony and official tribal correspondence on that psoposed legislation;

BE IT FURTHER RESOLVED THAT, NCAI member tribes will be kept appraised of the specifics of their work by NCAI Education staff;

BE IT FURTHER RESOLVED THAT, Georgianna Tiger is authorized and directed to solicit at least one tribal representative from each of the twelve area jurisdictions to serve on the said committee. Selection of committee members shall be made by the respective Afea Vice President of NCAI.

Policy Resolution No. 11

LABOR INTENSIVE PUBLIC WORKS ACT

Adopted at the NCAI Mid-year Conference, June 22, 1978

WHEREAS: the National Congress of American Indian is vitally interested in the passage of legislation which will provide substantive employment opportunities for Indian people; and

WHEREAS; all the Indian tribes of the United States have various needs to develop public works projects which will provide services for their people and economic development possibilities which will meet the unique needs of each tribe; and

WHEREAS: there is proposed in Congress a Labor Intensive Public Works (LIPW) Bill which is designed to provide employment for needy people, particularly youth, and to provide funds to restore and rehabilitate facilities; and

WHEREAS: the various tribes have an unemployment level far exceeding the national average in some cases exceeding 50%, particularly among Indian youth; and

WHEREAS: it is understood that President Carter has threatened to veto Public Works legislation; and

WHEREAS: this would be done to the detriment of the interests of the Indian people;

NOW THEREFORE BE IT RESOLVED THAT, the National Congress of American Indian does hereby support the passage of the Labor Intensive Public Works Bill, but urgently requests that:

1. the proposed ten percent (10%) matching requirements be waived for Indian tribes as all tribal funds are currently committed, and
2. five percent (5%) of the appropriation for this legislation be set aside for Indian tribes, and
3. no less than forty-five percent (45%) of the Indian set aside be earmarked for construction materials, planning, engineering and other building fees.